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EXTERNAL RELATIONS

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DOCUMENTS RELATIFS AUX
RELATIONS EXTÉRIEURES

DOCUMENTS RELATIFS AUX
RELATIONS EXTÉRIEURES DU CANADA

THE ARCTIC
L'ARCTIQUE
1874-1912

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CANADIAN AFFAIRS / CANADA
AFFAIRES CANADIENNES / CANADA



DOCUMENTS ON CANADIAN EXTERNAL RELATIONS

DOCUMENTS RELATIFS AUX RELATIONS EXTÉRIEURES DU CANADA

THE ARCTIC
L'ARCTIQUE
1874-1949

Sous la direction de
Janice Cavell
Editor

Avec la collaboration de
Joel Kropf
Assistant Editor

GLOBAL AFFAIRS CANADA
AFFAIRES MONDIALES CANADA



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Canada

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PREFACE

As Canada's minister of foreign affairs, I share with many Canadians a profound interest in our national history, especially in the events and developments that have shaped Canada's place in the world. I am, therefore, honoured to present this special volume in the department's flagship historical series, *Documents on Canadian External Relations*.

The first volume of *Documents on Canadian External Relations* was published in 1967, as Canada celebrated its first century of nationhood. Since then, volumes in this series have dealt with various periods in the history of Canadian foreign policy, from the Laurier era up to the Pearson years in government. The series currently includes 29 regular volumes and has reprinted over 20,000 documents, totalling almost 40,000 pages of text, making it the largest historical documentary project in Canada.

The subject of this special volume, the Arctic, has an ever-growing importance for Canada as we approach our federation's 150th anniversary. This volume illuminates how and why Canada asserted its sovereignty over the Far North between 1874 and 1949, and it demonstrates how much Canadians today owe to the nation builders of the past.

Successive governments from the late nineteenth century onward worked to secure the country's northern heritage. Much of the story behind the successful actions taken by Canadian politicians, diplomats and public servants has remained buried in the archives until now. This story is of great historical interest in its own right, but it has additional value today as Canadians face new challenges in their North.

A full knowledge of our northern history can both inform and inspire us. On the eve of Canada's 150th anniversary, I commend this volume as a vital starting point in this important journey of national discovery.

STÉPHANE DION, P.C., M.P.,
MINISTER OF FOREIGN AFFAIRS

PRÉFACE

À titre de ministre des Affaires étrangères du Canada, j'ai un grand intérêt pour notre histoire nationale, en particulier les événements et les changements qui ont façonné la place que le Canada occupe dans le monde. Il s'agit d'un intérêt que j'ai en commun avec de nombreux Canadiens. C'est donc un honneur pour moi de présenter ce volume spécial de la série historique phare du Ministère, les *Documents relatifs aux relations extérieures du Canada*.

Le premier volume des *Documents relatifs aux relations extérieures du Canada* a été publié en 1967, alors que le pays célébrait son centième anniversaire. Depuis, les volumes de cette série ont porté sur diverses périodes de l'histoire de la politique étrangère du Canada, de celle de Laurier jusqu'aux années du gouvernement Pearson. À ce jour, la série compte 29 volumes réguliers; elle a permis de réimprimer plus de 20 000 documents qui représentent presque 40 000 pages de texte, de sorte qu'il s'agit du plus important projet de nature documentaire et historique au Canada.

Le sujet de ce volume spécial, l'Arctique, revêt une importance de plus en plus grande pour le Canada, au moment où nous nous apprêtons à célébrer le cent cinquantième anniversaire de notre fédération. Le présent volume met en lumière de quelle façon et pour quelles raisons le Canada a affirmé sa souveraineté dans le Grand Nord entre 1874 et 1949, et il illustre la dette immense que les Canadiens ont aujourd'hui envers ceux qui ont bâti le pays.

Depuis la fin du dix-neuvième siècle, les gouvernements successifs se sont employés à faire en sorte que le patrimoine nordique du pays soit nôtre. Or, les réussites des politiciens, des diplomates et des fonctionnaires canadiens à cet égard sont demeurées jusqu'à maintenant enterrées dans les archives. Cette histoire présente en elle-même un grand intérêt historique, mais elle revêt aujourd'hui un autre intérêt alors que les Canadiens sont confrontés à de nouveaux défis dans le Nord.

Une connaissance approfondie de notre histoire nordique peut s'avérer une source précieuse d'information et d'inspiration. À la veille du cent cinquantième anniversaire du Canada, je recommande le présent volume, car dans cet important processus de découverte de notre pays, il est un point de départ essentiel.

STÉPHANE DION, C.P., DÉPUTÉ,
MINISTRE DES AFFAIRES ÉTRANGÈRES

INTRODUCTION

INTRODUCTION

This special volume in the series *Documents on Canadian External Relations* (*DCEER*) covers a period of 75 years, from the earliest tentative beginnings of the Canadian government's engagement with the Far North to the brink of major new geopolitical developments. In 1874, politicians in Ottawa were unsure whether the Arctic islands were even part of their nation – although they quickly agreed that, if the archipelago lay outside Canada's northern boundary, the boundary should be amended to include it (doc. 6). At the same time, they showed a polite interest in recommendations for the administration and development of the Mackenzie River and Yukon regions, but took no action on the matter (doc. 2). Yet by 1949, as an outside legal expert hired by the Department of External Affairs confirmed, there could be no doubt that Canada's northern sovereignty was securely established (doc. 572).

The process that led up to the affirmation of Canada's clear title in 1949 has not been well covered in the regular *DCEER* volumes, at least for the period before the Second World War. The reasons for this are many. Firstly, the *DCEER* series begins with 1909, when the Department of External Affairs was created, and so foreign policy developments before that year are not part of the series at all. Secondly, even though the early volumes do cover such key issues as the 1929-1930 negotiations with Norway regarding the Sverdrup Islands, the rule when these volumes were being compiled was not to print the records of internal government discussions. Instead, the focus of the series was on official correspondence. Thirdly, many Arctic documents remained classified until recently, making truly comprehensive coverage impossible. Finally, documents from the Department of External Affairs and the Privy Council Office make up the great bulk of most *DCEER* volumes. Among DEA records, the arrangement of pre-1940 files is irregular and often confusing. Among PCO records, the Cabinet Conclusions – the best source on government deliberations and decisions at the highest level – date only from 1944. The only private papers used in regular *DCEER* volumes are those of prime ministers, members of the Cabinet, and senior civil servants, but for the pre-1949 period most of these contain little or nothing on the Arctic.

This volume, in contrast, draws heavily on the records of the Department of the Interior, the Royal Canadian Mounted Police, the Department of Marine and Fisheries, and other government bodies involved in sovereignty efforts, and on the private papers of mid-level civil servants and of explorers such as Joseph Bernier and Vilhjalmur Stefánsson. Even minor External Affairs files have been searched, and useful documents have sometimes been found in unexpected places. In the absence of any formal records of Cabinet discussions, high-level decisions on Arctic matters have been traced through memos to Council (as the Cabinet was then generally called), Orders-in-Council, and the correspondence with the Colonial Office (CO) in the files of the Governor General's Office and in the

National Archives of the United Kingdom, London. Internal British government documents, particularly correspondence between the CO and the Foreign Office (FO), shed a great deal of new light on Arctic matters. Regular *DCER* volumes do not print non-Canadian documents, but this rule has been dispensed with here for the years until 1931, when the Statute of Westminster effectively separated Canadian foreign policy from British foreign policy. A complete list of sources can be found on pp. lxxvii-lxxviii. (Original documents have been used whenever possible because they are the most likely to bear marginal comments and other significant notations, and because handwritten or typed copies of early documents are sometimes inaccurate. When only a copy was found, the fact is noted in the document heading.) Over the years, many Canadian officials expressed uncertainty and apprehension about the possible intentions of the United States in the Arctic. Although no US documents are printed, the relevant files in Washington have been examined, and information from them is included in the footnotes.

Unfortunately, there are still a few significant gaps in the record, especially for the period before the First World War. Many important documents and files have simply disappeared. Nevertheless, the research for this book has produced a far richer, more detailed, and better contextualized account of how and why Canada's Arctic policy developed than could be gleaned from existing *DCER* volumes up to the Second World War period.

From Volume 7 (1939-1941, Part I) onwards, coverage of the Arctic in the series improved dramatically. Consequently, relatively few new documents of major importance were found for this period, and Part 6 (1940-1949) is the shortest in the book, despite the great significance of this period in Arctic history. The appendix to Part 6 lists the Arctic-related documents in Volumes 7 to 15 (1949) under broad subject headings.

Many of the documents in Parts 1 to 5 have previously been cited by historians, and some were printed in the early *DCER* volumes or elsewhere, but many others are completely new. Previously printed documents that are essential to understanding an issue have been reprinted in these sections, while some others are referenced in the footnotes. In Part 6, however, reprinting from earlier *DCERs* was not feasible owing to the very large number of important documents in the existing volumes. The full list of previously printed *DCER* Arctic documents in the appendix to this part has been provided in place of reprinting.

The new documents will contribute to a revised understanding of Canada's Arctic policy: besides being important in themselves, in many cases they provide more accurate context for, and suggest different interpretations of, documents that have long been known to researchers. More detailed comments on the significance of the material in the various parts, and on the reasons for the occasional gaps in the record, are found below.

All writers on the Arctic struggle with the definition of what exactly "the Arctic" means in geographical terms. For the purposes of this volume, the

perception on the part of officials at the time that an issue was an Arctic issue has generally been used as the determining factor. Thus, sovereignty over Hudson Bay — which lies entirely south of the Arctic Circle — is covered. The American military presence in the Northwest Territories (NWT) during the Second World War is also included, even though most of the areas affected were in the subarctic rather than the Arctic. However, the Alaska Boundary dispute is dealt with only insofar as it influenced Ottawa's understanding of the need for occupation and administration in the continental part of the western Arctic. The part of the boundary under dispute lay between British Columbia and the Alaska Panhandle, not between the Yukon Territory and Alaska. Even though access to the Yukon gold fields was a key factor in the dispute, the diplomatic and other exchanges on the subject reveal little about Canada's Arctic policy. Moreover, the most important documents have already been printed in another collection.

Within these parameters, the volume attempts to cover all significant episodes in the development of Canada's Arctic policy up to 1949. Not all of the opinions expressed in the documents should be taken at face value, and not all of the incidents mentioned can be considered of major importance. In fact, many of the opinions are either poorly informed or disingenuous, and some of the incidents appear almost trivial in retrospect. Yet even the errors into which Canadian politicians and civil servants sometimes fell are an important part of the historical record, and the cumulative effect of many smaller government initiatives in and regulations about the Far North should not be underestimated. As Lester Pearson wrote in 1946, although the appointment of Royal Canadian Mounted Police officers as postmasters, customs inspectors, and immigration officers involved only "nominal" duties, yet there was "international significance" in the fact that "When a stratosphere liner of the future lands somewhere south of the Pole in its voyage from Europe to Asia, its passengers will find a Canadian flag, a Canadian Government station, and probably a notice stuck somewhere warning the passengers that under Order-in-Council 7496, Section 3, Sub-Section 12, they will be liable to fine or imprisonment or both if they do not extinguish their camp fires!"²

Indeed, routine administration may have had more importance than the various sovereignty scares, all of which were considerably exaggerated. In fact, it could well be argued that the true importance of the scares lay in the fact that they generally led to an increase in routine administration. Another reason for the inclusion of such material is that it offers some sense of the impact that an increased government presence (and the proliferation of new regulations that were often put in place mainly for sovereignty purposes) had on both Indigenous and white inhabitants of the North. For example, see the documents on the end of foreign coastwise trading in the western Arctic (docs 313, 316-319, 326, 327).

¹ John A. Munro, ed., *The Alaska Boundary Dispute* (Toronto: Copp Clark, 1970).

² L.B. Pearson, "Canada Looks 'Down North,'" *Foreign Affairs*, vol. 24, no. 4 (July 1946), pp. 639-640.

Rather than being organized thematically, the documents are printed in chronological order and separated into six parts. This arrangement has been chosen because it highlights the interplay that often existed between various northern sovereignty issues. Readers searching for documents on a particular topic should easily be able to identify relevant material through the subject, author, and recipient indexes.

The maps have been placed together near the beginning of the volume for quick reference. For background information on aspects of government organization and procedure, on some civil service positions, and on Canada's diplomatic relations with other countries, see pp. xxxviii-xl; for an explanation of the editorial principles used in transcribing and annotating the documents, see pp. xxxvi-xxxviii.

Part One, 1874-1897

The question of Canada's northern boundary was first raised in 1874, four years after the transfer of Rupert's Land and the North-Western Territory from the United Kingdom.³ The boundaries of Rupert's Land, about which the Hudson's Bay Company (HBC) had made various far from consistent claims over the years, had often been the subject of dispute since the company's founding in 1670. By 1870, it was generally accepted that the HBC could claim only the Hudson Bay watershed, which included part of southwestern Baffin Island. The North-Western Territory, also called the Indian Territory, had been defined through legislation in 1821 and 1859 simply as everything that was not part of the United States, Russian America, Rupert's Land, or the British colonies. This definition could well have been understood at the time of Confederation to include all the northern islands discovered by British explorers (see map 1); however, it was not so understood in Ottawa. Canadian politicians, interested almost exclusively in potential agricultural lands, simply do not seem to have considered the northern archipelago at all.⁴ Evidently, the name North-Western Territory did not suggest to them that the Arctic islands would be included in the transfer, while the name

³ The 1874-1880 correspondence between the CO and Ottawa has been examined by several historians, but most have used the copies made for Canadian officials in 1921 (see doc. 265). These copies do not include the minutes written by CO officials on incoming letters and despatches, which are essential for understanding the intentions behind the transfer of Arctic territories to Canada. Historian Gordon W. Smith used the microfilmed copies of the CO documents, with minutes, held at Library and Archives Canada (LAC), but even he appears to have missed a few crucial minutes, as well as some Canadian documents. See Smith, "The Transfer of Arctic Territories from Great Britain to Canada in 1880, and Some Related Matters, as Seen in Official Correspondence," *Arctic*, vol. 14, no. 1 (March 1961), pp. 53-73. This article has long been the standard scholarly source on the 1880 transfer, but the interpretation offered here differs in some respects.

⁴ In 1869 the Canadian commissioners, Sir George-Étienne Cartier and William McDougall, described the North-Western Territory as "all that part of British North America, from Canada on the East, to British Columbia, Alaska, and the Arctic Ocean, on the West and North, not heretofore validly granted to, and now held by" the HBC. Cartier and McDougall to Sir Frederic Rogers, 8 February 1869, in *Report of the Delegates appointed to Negotiate for the Acquisition of Rupert's Land and the North-West Territory* (Ottawa: Queen's Printer, 1869), p. 27.

Indian Territory did not seem applicable to lands occupied by the Inuit (although the term *Esquimaux* Indians was sometimes used for northern Indigenous people in the nineteenth century).

Since the 1840s, whaling had been carried on at Cumberland Sound by Scottish and American firms. Two inquiries were made about the status of this area in 1874, one by a Newfoundlander, Augustus Harvey, and one by an American, William Mintzer (docs 1, 3). Their letters brought the matter to the attention of the Colonial Office. After a short and not very thorough investigation, CO officials concluded that the area was not part of either Rupert's Land or the North-Western Territory, and hence had not been transferred to Canada (doc. 10).

At least one British politician, James Lowther, expressed particular concern about the "Yankee adventurer" Mintzer and the possibility that, if he were told Britain did not have sovereignty, the result might be an American claim (doc. 4). As in so many episodes of Canadian Arctic history, the concern was misplaced, reflecting a lack of accurate information. The issue of sovereignty over Cumberland Sound had been raised years earlier by the Scottish whaler William Penny, and as a result, in 1854 the British ambassador in Washington had sent a memo to the US Secretary of State in which Britain's "rightful claim to the several groups of islands which lie to the northward of Hudson strait" was asserted.⁸ This action appears to have been effective, since internal US government documents from later decades show that Canada's title to Baffin Island was always taken for granted by Washington officials. Nor was Mintzer himself any threat: as a previously unknown letter from him to the Canadian government (doc. 15) makes clear, he truly was interested in nothing more than obtaining a licence to carry on economic activities.

At first, the intention in both London and Ottawa was that an act should be passed by the imperial Parliament to remove any doubts about the extent of territory transferred in 1870. CO officials went to considerable trouble to determine what the boundaries created by such an act ought to be. Because the matter was not considered of special importance or urgency, it moved slowly. In the end, two obstacles to the original plan arose. First, Admiralty officials pointed out that the United States had a potential claim by discovery to Grinnell Land, as the central portion of Ellesmere Island was then known (doc. 30). This information meant that the British must either define the boundary so as to exclude Grinnell Land or else not define it at all. The first option would preclude any future Canadian claim to Grinnell Land, while the second would leave Canada free to explicitly claim the entire archipelago at a future date if there had been no

⁸ Cumberland Sound is on the east coast of Baffin Island, however, the name Baffin Island was not used until the 1880s.

⁹ Edmund Hammond to Herman Merivale, 12 April 1854, with enclosed copies of John Crampton to Lord Carendon, 20 March 1854, and memorandum from Ambassador Crampton to William E. Mars, undated, TNA, CO 621. Because Baffin Island was then thought to be several islands, this claim applied to the area immediately north of Hudson Strait, not to the entire archipelago.

protest from the US. Next, the new colonial secretary, Sir Michael Hicks Beach, insisted that "[u]nnecessary legislation" was "always objectionable," presumably because it took up too much time in an already busy parliamentary schedule (doc. 31). Hicks Beach preferred a simpler, quicker transfer by means of an imperial Order-in-Council, which the government's legal advisers assured him was an adequate instrument for the purpose (docs 25, 32).

The Admiralty had produced a map showing a boundary that excluded Grinnell Land (see map 3). The CO, however, did not favour such a definition. CO official Ernest Blake concluded instead that it would be better to leave the boundary "somewhat indefinite" (doc. 31). The transfer was duly made by an Order-in-Council that referred in very broad terms to British territories and possessions and the islands adjacent to them.⁷ This approach certainly had its advantages, and the advantages were understood and appreciated by some later officials in London. As Arthur Berriedale Keith observed in 1911, "Canada can claim all it likes to claim on the ground that it ... was given by the O. in C. of 1880" (doc. 197). However, Canadian officials had no access to the CO minutes in which the terms of the transfer had been worked out. It is possible that the CO's reasoning was verbally communicated to Sir John A. Macdonald during his visits to London, but if so, Macdonald does not seem to have placed it on record for future reference in Ottawa. The result was decades of doubt among Canadian officials about exactly where the northern boundary was, and about the reasons for the Order's vagueness.

On the question of administration in the newly transferred territories, both British and Canadian officials agreed that there was no need for it until white settlement reached the archipelago (doc. 39). In the western Arctic, meanwhile, there were a few white inhabitants, most notably Bishop William Bompas, who warned of possible American encroachments across the border with Alaska and pushed for a government presence (docs 2, 48, 51, 72). Bompas's warnings are well known to historians, as are those of John Schultz, the Lieutenant Governor of Manitoba and Keewatin. However, the important roles played by Alexander Mackinnon Burgess (fig. 2), who was Deputy Minister of the Interior from 1883 to 1897, and by Thomas Mayne Daly (fig. 3), the Minister of the Interior from 1892 to 1896, are revealed here for the first time. Burgess was an advocate of a more active northern policy from the mid-1880s on (docs 42, 44, 46, 47). In 1894 his views won the support of Daly and of the Prime Minister, Sir John Thompson (docs 49, 53, 56). Despite the less than enthusiastic attitude shown by the powerful comptroller of the North-West Mounted Police (NWMP), Frederick White (fig. 6), and his Minister, W.B. Ives (docs 50, 54, 55), police officer Charles Constantine became the first government agent in the Yukon region (docs 57, 59). The government's first serious northward move came just in time to prevent chaos during the gold rush of the late 1890s.

⁷ *Canada Gazette*, 9 October 1880, p. 389.

In 1895, an Order-in-Council divided the Canadian North into the provisional districts of Ungava, Mackenzie, Yukon, and Franklin (see map 4). The boundaries set out for the District of Franklin constituted a public claim⁸ to the entire archipelago, since all known islands were included in it. Unfortunately, the origins of this bold move remain almost completely obscure. The memorandum from Minister Daly to the Privy Council bears a Department of the Interior file reference, 37906. Although this file still exists, a note dated 6 February 1897 reveals that all the material on the far northern districts was removed and placed on another file, 389977. File 389977 later disappeared.⁹ The documents remaining in file 37906 are concerned almost exclusively with reasons for altering the boundaries of the District of Keewatin and the District of Assiniboia. Internal political factors, therefore, appear to have been the main force behind the 1895 Order, which dealt with the older districts as well as the new ones.

However, northern sovereignty was certainly a matter for concern at the time, and in 1887 geologist George Dawson (fig. 1) – later a key figure in sovereignty discussions – had emphasized that giving an official name to, and defining the boundaries of, the Yukon River region would serve to distinguish it clearly in the public mind from Alaska (doc. 43). A similar logic may have been applied to the entire North. To what extent the Order was intended to extinguish any possible American claim to Grinnell Land must remain a matter for speculation.

Problems with the details of the 1895 Order became apparent only a few months after it was approved, yet the production of a new Order was delayed until the end of 1897. In the summer of 1896, Wilfrid Laurier's Liberals came to power. Although prodded by Burgess, the acting Minister of the Interior, Richard Scott, was not inclined to take action on northern matters (docs 73, 74). It was widely rumoured that the Liberals intended to disband the NWMP, and therefore Comptroller White made only cautious recommendations about the Yukon (docs 75, 76). When Clifford Sifton (fig. 8) became Minister of the Interior, one of his first acts was to remove Burgess as deputy minister and replace him with one of Sifton's own cronies, James Smart. Sifton soon displayed a vigorous interest in the Yukon, but other northern issues failed to catch his attention until a few years later (see below).

In 1896 and 1897, George Dawson – who by then was the director of the Geological Survey of Canada (GSC) – emerged as the leading advocate of action in the Far North. The Minister of Marine and Fisheries, Louis Davies, responded to Dawson's concerns about American whalers in Hudson Bay by sending out Canada's first northern sovereignty expedition. The expedition's main purpose was to assess the navigability of Hudson Strait, but the orders to the leader, William Wakeham, stated forcefully that "the fact that all the Territories are

⁸ The Order was published in the *Canada Gazette*, 19 October 1895, pp. 683-685.

⁹ The disappearance of this file has frustrated me for a long time. W. F. Ralston does not seem to have had access to the file when writing his report (see below).

unquestionably ours, must be made patent" to both foreigners and the Inuit (doc. 77).

Dawson also suggested to Davies that the Royal Navy should be asked to assist with regular patrols to the northern islands (doc. 79). Davies, who was then in London, passed the suggestion on to the Colonial Office, which in turn contacted the Admiralty. Admiralty officials, although not interested in this proposition, looked up their old files from the 1870s and produced a memo on sovereignty matters. Through a copy of this memo, the 1879 boundary proposal finally reached Ottawa (docs 80, 84). There it was forwarded to Dawson for comment (doc. 86).

Dawson immediately brushed off the Admiralty's suggestion that Grinnell Land could not be claimed for Canada, likely because of the time that had by then elapsed since the American discoveries without any sovereignty declaration from Washington. He was, however, evidently struck by another aspect of the 1879 Admiralty proposal: that the 141st W. meridian should form the western boundary north of the continent (see map 3). The same boundary had been suggested in the 1878 joint address from the House of Commons and the Senate to Queen Victoria (doc. 24).¹⁰ This address formally requested a new transfer of territory, and Dawson had recently looked it up.

Dawson and the Surveyor General, Édouard Deville (fig. 5), soon had the go-ahead from Sifton to draft a new Order-in-Council. Deville had already concluded that "any attempt to define with more precision the boundaries and extent of the [District of Franklin] will thereby fix the limits of Canada and bar any claim which may subsequently be set up to jurisdiction outside of these limits" (doc. 68). The map accompanying the new Order (see map 5) showed Canada's claim enclosed between the 141st meridian on the west and a line midway between the archipelago and Greenland on the east. North of Greenland, the eastern boundary followed the 60th W. meridian towards the North Pole. The Pole itself, however, was not shown on the map, so that the very northernmost limit of Franklin was still undefined. Both to the west and to the north of the known islands, there were extensive blank spaces within the new boundaries. These principles were put before Council in December 1897 and approved.

Except for the polar apex, all the essential elements of Canada's famous sector claim were present in the 1897 Order (doc. 87).¹¹ The 1878 joint address and the 1879 Admiralty map must therefore stand as the earliest sources of the sector theory; however, there was yet another source. In 1893 Dawson had served as one of the Canadian representatives at the Bering Sea arbitration in Paris. For the purpose of enforcing restrictions on pelagic sealing, the United States had claimed that the boundary line set by its 1867 treaty with Russia was a maritime boundary.

¹⁰ No documents on the evolution of this address were found; they were probably destroyed when the Centre Block of the Parliament Buildings burned down in 1916.

¹¹ This Order was also published in the *Canada Gazette*, 14 May 1898, p. 2613.

The treaty specified that the boundary should pass through Bering Strait and continue along the meridian line between Krusenstern and Ratmanoff (Big and Little Diomedes) Islands "due north, without limitation" into the Arctic Ocean.¹⁰ The successful British and Canadian argument was that "the geographical limit thus projected towards the north could have been intended only to define the ownership of such islands, if any, as might subsequently be discovered in this imperfectly explored ocean."¹¹ Evidently, in 1897 Dawson remembered this interpretation. He and Deville then employed meridian lines to define the area of the still "imperfectly explored" northern ocean within which Canada laid claim to all islands, known and unknown. The indefinite projection of the two boundary lines towards the north was also consistent with the model provided by the 1867 treaty.

By the end of 1897, therefore, Canada had taken some important steps towards securing its northern sovereignty. There was active occupation and administration in the western Arctic; an official expedition had been sent to the eastern Arctic, and the new Order-in-Council provided notification to other governments about the sector that Canada considered its own. However, much remained to be done in the way of actual occupation before the Canadian claim would gain international recognition.

Part Two, 1898-1918

During the years between 1898 and the end of the First World War, Canada sent out a total of seven northern expeditions, all motivated by sovereignty concerns. State-sponsored polar voyages had become rare in the late nineteenth century, but sovereignty issues helped to revive them. Overall, Canada was a latecomer to Arctic exploration, but it sent out some of the first official expeditions of the twentieth century.

Three of the Canadian expeditions were entrusted to government officials, A.P. Low (fig. 10) of the GSC and Charles Constantine and J.D. Moodie (fig. 11) of the NWMP. The other four were led by men who saw exploration as their primary calling in life. Both Joseph Bernier (fig. 9) and Vilhjalmur Stefansson (fig. 17) were highly successful in bringing Canada's northern claims to public attention, but they were also exceptionally controversial figures. Because of their clashes with government personnel, the practice of hiring outsiders would never be

¹⁰ "Treaty concerning the Cession of the Russian Possessions in North America by His Majesty the Emperor of all the Russias to the United States of America," *Statutes at Large, Treaties and Proclamations of the United States of America*, vol. 15 (Boston: Little, Brown, 1869), pp. 530-544. See also United States, State Department, Office of the Geographer, Bureau of Intelligence and Research, *International Boundary Study No. 14, U.S.-Russia Convention Line of 1867* (1965).

¹¹ United Kingdom, Parliamentary Papers, Command Papers, C. 16918, *Bering Sea Arbitration Case Presented on the Part of the Government of Her Britannic Majesty* (London: Her Majesty's Stationery Office, 1893), pp. 98-99. The 1965 State Department publication cited above endorses this interpretation. However, it directs that, because the United States does not accept the sector theory, despite the phrase "without limitation" the line should never be depicted on US maps as extending beyond 72° N. latitude.

resumed. As a result, future government activities in the Far North would be more orderly and consistent, but not very widely publicized.

The period began with an appeal to Prime Minister Laurier from the flamboyant, ambitious Bernier for government assistance with his planned expedition to the North Pole (doc. 88; see also docs 95, 96, 97, 98). However, Bernier's proposed route lay outside the Canadian sector, and therefore his proposal evoked little interest from either Laurier or Dawson, to whom the request was referred. Bernier would later claim that he had fruitlessly attempted to bring the sovereignty problem to the government's attention, but in fact his North Pole plans had no bearing whatever on sovereignty. Instead, Bernier saw them as a means of bringing glory to himself and to Canada. Sovereignty matters gradually worked their way to the forefront of the government's concerns through warnings from various sources about violations of the customs and liquor laws by American whalers in the western Arctic (docs 91, 92, 93, 94, 99, 100) and about over-hunting of muskoxen by Americans in the eastern Arctic (docs 101, 103).

Comptroller White was now a strong proponent of action in the North (see doc. 99). By the end of 1902, Sifton had come to share and even to exceed his zeal (doc. 105). Soon White began to resent Sifton's imperious directives, in large part because Sifton was not the Minister with formal authority over the NWMP.¹⁴ Further difficulties arose through the involvement of the Department of Marine and Fisheries, which was growing ever more notorious for its degree of patronage and outright corruption. White felt that he was being pressured into hasty action, and that the police would be held responsible for the possible poor outcome of plans formulated by other departments. Despite the ensuing bureaucratic clashes, two expeditions were sent out in 1903, and posts were established at Fort McPherson, Herschel Island, and Cape Fullerton.

Another significant result of Sifton's interest in the Arctic was the sovereignty report written by W.F. King (see docs 128, 138). This report was the first detailed attempt by a Canadian civil servant to survey the entire question of Canada's title to the archipelago. It was far from perfect: Dawson had died in 1901, and without his accumulated knowledge to draw on, King struggled at times to understand how and why the existing situation had come about. Nevertheless, his report sensibly concluded that while Canada's title might be lacking in some respects, the exercise of government jurisdiction in the North was the obvious way to strengthen it.¹⁵

The Department of the Interior's geographer, James White (fig. 15), produced the maps that accompanied King's report. Formerly a member of the GSC, White had worked closely with both Dawson and Deville, and he evidently took a strong interest in the developing sector theory. The discovery of new islands in the archipelago by the Norwegian explorer Otto Sverdrup during his 1898-1902

¹⁴ Memorandum by Lord Minto, 20 October 1902, LAC, MG 27 II B-1, vol. 2.

¹⁵ W.F. King, *Report upon the Title of Canada to the Islands North of the Mainland of Canada* (Ottawa: Government Printing Bureau, 1905), p. 8.

expedition seems to have caused little, if any, alarm among Canadian politicians, but White was keenly alive to the possible sovereignty ramifications.

The 1897 Order-in-Council had called for legislation to endorse the boundaries it set out. However, in 1898 the new Minister of Justice, David Mills, concluded that legislation was unnecessary, and none was ever introduced (docs 89, 90). White therefore worried that the boundaries might not be valid,¹⁶ leaving Canada with no way to contest any possible future claim to Sverdrup's discoveries by Sweden-Norway (or, after the separation of the two countries in 1905, by the newly independent Norway). While he was always a strong proponent of occupation and administration within the sector (see doc. 315), White also knew that paper claims could have an effect, provided that other nations did not protest against them. He therefore chose official maps as a useful way to reaffirm the 1897 boundaries.

The maps that White prepared for the King report not only showed the sector lines but extended them to the Pole, thus adding what is generally considered the most characteristic element of the sector theory.¹⁷ White took other steps to help forestall any foreign claim. As a member of the Geographic Board of Canada,¹⁸ in 1905 he arranged for the official naming of Sverdrup's new islands.¹⁹ In the same year, he recommended to the Minister of Justice, Charles Fitzpatrick, that the Canadian claim should be defined by an act of Parliament (doc. 156). White's advocacy of a claim extending to the Pole, therefore, dated from well before Senator Pascal Poirier's famous 1907 speech.²⁰ Accordingly, the common belief among historians that Poirier was the originator of the sector theory must be rejected.

Prime Minister Laurier was convinced that more occupation was necessary before a broad territorial claim could be put forward (docs 121, 157). Following Moodie's recommendations, in 1904 Laurier approved the establishment of two new posts by the next government expedition. One was to be placed at Cape Wolstenholme on the Ungava Peninsula and the other on Baffin Island (doc. 146). Bernier had been hired to command the expedition, but it soon became clear that his real intention was to make his way to the North Pole if possible. Moodie was therefore placed in charge instead. For various reasons, including the lateness of

¹⁶ White, "Place Names in Northern Canada," *Transactions of the Royal Society of Canada*, 3rd ser., vol. 4 (1910), sec. 4, p. 37n.

¹⁷ Although the King report was for internal government use only, at least one of the maps appears to have been made publicly available. The public map of Canada's territorial divisions in White's 1906 *Atlas of Canada* showed the 1897 sector lines, but since the map did not include the Pole, the sector lines did not extend to it. The lines also appeared in the 1915 edition of the *Atlas of Canada* without the public apex.

¹⁸ Now the Geographical Names Board of Canada.

¹⁹ See LAC RG 31, vol. 153, file 41, and Sixth Report of the Geographic Board of Canada (Containing all Decisions to June 30, 1906, Sessional Papers, 1907, vol. 41-9, no. 21a, pp. 14, 56).

²⁰ See Canada, *Senate Debates*, 10th Parliament, 3rd session, pp. 266-274.

the relief ship, only a post at Churchill was established during this expedition (see doc. 155n).

While the expedition was in the North, Frederick White and the Deputy Minister of Marine and Fisheries, François Gourdeau, came to an agreement (doc. 149) whereby responsibilities were formally divided between the newly-renamed Royal North-West Mounted Police (RNWMP) and the Marine department. It provided that action would be taken by the Police alone on land and by Marine and Fisheries alone on water.

Later that year, the provinces of Alberta and Saskatchewan were created from the more southerly part of the NWT. The remainder, along with the District of Keewatin and the territories transferred in 1880, was still called the NWT, but with the abolition of the elected territorial assembly in Regina, the new NWT had no self-government, or indeed any administration at all except that provided by the RNWMP. Frederick White was therefore appointed Commissioner, and he initially had high hopes of being “able to carry out our own plans” (doc. 158). But in his role as Commissioner, White was subject to the orders of the new Minister of the Interior, Frank Oliver, who often disagreed with his proposals. In general, White found the government reluctant to support the development of an administrative structure.²¹ The provinces of Ontario, Quebec, and Manitoba were all set on northward expansion (they attained their present northern limits in 1912), and it may well have seemed to Laurier that federal administrative efforts in territories that would sooner or later fall under provincial jurisdiction were a waste of time.

The Department of Marine and Fisheries, meanwhile, proceeded with northern ship patrols under Bernier’s command. In July 1906 the Fisheries Act was amended to provide for the collection of whaling licences in Hudson Bay (all of which was declared to be Canadian territorial waters) and in the archipelago. Unfortunately, almost no documents on the evolution of this new policy were found. However, there is abundant material on its consequences in British files. Canada’s unexpected declaration of sovereignty over Hudson Bay sparked many lively exchanges between the Colonial Office and the Foreign Office. The FO, fearing an American protest, urged disallowance of the new legislation, while the CO defended Canada’s action. In the end there was no protest, and the amendment was not disallowed.

In terms of Canada’s legal case, the enforcement of the new whaling regulations was by far the most important achievement of Bernier’s expeditions. However, Bernier himself did not see it that way. Even though no other nation had ever contested the 1880 transfer, Bernier pushed for authority to make fresh sovereignty proclamations on the islands discovered by British explorers, and he succeeded in having the orders for his 1906-1907 voyage changed to suit this agenda (see docs 159, 160, 165; fig. 16). He also made an unauthorized claim to

²¹ White’s frustrations are documented in his NWT letterbooks, LAC, RG 18, vol. 879.

the Sverdrup Islands (see doc. 179).²² The whole process culminated with Bernier's famous declaration of sovereignty over the entire Canadian sector, made on Melville Island in July 1909 (see doc. 191). Although evidence on these matters is virtually non-existent, it appears that Bernier learned about the sector theory from White and, ignoring the Prime Minister's preference for putting occupation first, went forward with the 1909 proclamation on his own initiative.

It is clear that the Department of Marine and Fisheries was quite unable to control Bernier. However, Laurier was less displeased with the 1909 declaration than would have been the case if Robert Peary had not claimed to have reached the Pole in April 1909. Peary reported that he had taken possession of the Pole and the region around it for the United States; how far south this claim was meant to extend was not clear. In response, the Prime Minister publicly commended Bernier's action,²³ and he answered a British inquiry with the statement that Canada claimed all the land between the Canada-United States border and the Pole (doc. 193). Soon, however, it became clear that the US had no intention of backing Peary's claim. When Peary informed President William Howard Taft that the Pole was at his disposal, Taft replied: "I do not know what I could do with it."²⁴ Later the US ambassador in London, Whitelaw Reid, stated in a speech that Canada was free to occupy the archipelago.²⁵

Laurier therefore drew back from his endorsement of Bernier's proclamation, and even Senator Poirier conceded that flag-raising without occupation counted for nothing under international law.²⁶ In 1910 Laurier appointed lawyer and former Conservative cabinet minister James Colebrooke Patterson to investigate sovereignty issues.²⁷ While awaiting his report, the government did not seem inclined to do anything other than continue its northern ship patrols. Bernier's orders for his 1910-1911 voyage contained no explicit reference whatever to sovereignty matters, but he was instructed to extend his patrol as far westward among the islands as possible.²⁸

In 1909 James White resigned from his position as Chief Geographer, choosing instead to devote his energies to the cause of wildlife conservation. Without White

²² This claim was essentially a sector claim, since it extended from the spot where Bernier's men landed on the south coast of Ellesmere Island to the North Pole.

²³ See Laurier's comments in Bernier, "Canadian Rights in the Arctic," in G.H. Brown, ed., *Addresses Delivered before the Canadian Club of Ottawa* (Ottawa: Mortimer Press, 1909), pp. 191-192.

²⁴ Peary to Taft, 8 September 1909, and Taft to Peary, same date, LC. Taft Papers, series 5. Taft's telegram was released to the press; see "Taft Has Faith in Peary," *New York Times*, 9 September 1909, p. 2.

²⁵ "American Thanksgiving Day," *The Times* (London), 26 November 1909, p. 14.

²⁶ On 1 February 1910 Poirier made a speech on the Arctic without once mentioning the sector theory. See Canada, *Senate Debates*, 11th Parliament, 2nd session, pp. 179-184.

²⁷ Order-in-Council 1910-1170, 6 June 1910, LAC, RG 2, vol. 995.

²⁸ Alexander Johnston, instructions to J.F. Bernier, 5 July 1910, in W.W. Stumbles, comp., *Report on the Dominion Government Expedition to the Northern Waters and Arctic Archipelago of the D.G.S. "Arctic" in 1910* [Ottawa: King's Printer, 1911].

to push the matter, there were no further official maps showing the sector lines to the Pole. Patterson's appointment was renewed in 1911 and later years,²⁹ but the result of his inquiries remains a mystery. By the time the Laurier era ended with Robert Borden's September 1911 election victory, the Arctic was no longer a pressing concern: the northern whaling industry was in severe decline, while relations with the United States were excellent, leaving no reason to fear any American threat. The new Prime Minister brought Bernier's voyages to an end.

Within two years of Borden's election, however, another ambitious explorer asked for Canada's aid. Vilhjalmur Stefansson aspired to discover the "Arctic continent" which some theorists believed would be found west of the Parry Islands.³⁰ During a visit to Ottawa in February 1913, he pointed out to the Prime Minister that, if Canada contributed to his expedition, he could raise the Canadian flag on the new land. But if he had only American funding, he would be obliged to raise the Stars and Stripes. Borden decided that Canada would bear the entire cost, and Stefansson's American supporters withdrew (doc. 201). Plans were made for extensive scientific work, much of which was to be carried out by members of the GSC (see doc. 205). During the course of the expedition, Stefansson's cavalier attitude towards his official orders, and his free spending with government money, produced animosity between the leader and the scientists.

Stefansson did not emphasize the fact that the unknown land might lie west of the 141st meridian, and Canadian officials were under the impression that all his explorations would be carried out directly to the north of mainland Canada (see docs 199, 200). Even though the sector theory had never formally been endorsed, it seems to have been taken for granted in Ottawa that Canada would not claim any new land beyond the 1897 sector lines. As it turned out, Stefansson's discoveries all lay well to the east of the 141st meridian. But the expedition's ship, the *Karluk*, was caught in the ice, drifted far to the west, and sank near Wrangel Island off the coast of Siberia. The survivors spent several months on Wrangel Island, from which they occasionally thought they saw land to the north. When Stefansson heard this news, he planned a journey over the ice towards Wrangel – a plan that horrified officials in Ottawa (doc. 209). Stefansson was prevented from setting out by severe illness. He returned south in late 1918, bent on securing more government money for a new expedition. Stefansson's determination to claim both Wrangel Island and the supposed continent to the north of it would have major implications for future Canadian policy. However, the ultimate effect of his proposals was the opposite of what he hoped for.

²⁹ Orders-in-Council 1911-929, 1 May 1911; 1912-1513, 1 June 1912; 1913-1391, 10 June 1913. LAC, RG 2, vols 1012, 1039, 1065.

³⁰ For the origin of this theory, see R.A. Harris, "Evidences of Land near the North Pole," *Report of the Eighth International Geographic Congress, 1904* (Washington, DC: Government Printing Office, 1905), pp. 397-406.

Part Three, 1919-1924

The years between the end of Stefansson's Canadian Arctic Expedition and 1924, when his proposals for a Canadian claim to Wrangel Island were finally rejected, brought more significant changes and developments than any comparable period. In 1919, there was still no government body with primary responsibility for the North, and very few civil servants were knowledgeable about sovereignty issues. Canada's northern policy remained undefined, and there were no plans for any permanent presence in the archipelago. By 1924, not only were several talented bureaucrats focusing on the Arctic, but annual patrols and northern posts had been established. While effective occupation was the main goal, a version of the sector theory based on solid pragmatic considerations was gaining ground. Furthermore, Canadian policy deliberations had begun to be influenced by diplomatic correspondence with other nations. As a result, Ottawa bureaucrats quickly gained new knowledge about both the theoretical and the practical aspects of international law.

Stefansson's first move after his return was to suggest plans for economic development in the North. In particular, he advocated the domestication of the muskox. This project brought forward information about hunting by people from northwestern Greenland on Ellesmere Island. In the absence of any administrative structure in the NWT, responsibility for enforcing the game laws had been assigned to the Commissioner of Dominion Parks, J.B. Harkin. Harkin immediately decided that the government of Denmark must be warned against such encroachments on Canadian territory (doc. 210). Stefansson took advantage of some obscure statements in the Danish reply to convince Harkin and others that the Danish explorer Knud Rasmussen was intent on invading the archipelago, colonizing it with Greenlanders, and then claiming it for his country on the basis of occupation (docs 215, 216, 217).

The result of the ensuing sovereignty panic would, Stefansson hoped, be another expedition under his own leadership, which could be turned towards the Beaufort Sea and then to Wrangel Island and the unexplored region north of it. Instead, both Stefansson's new expedition and a planned voyage to establish a police post on Ellesmere Island were cancelled by Prime Minister Arthur Meighen's government (doc. 252). When a new prime minister, William Lyon Mackenzie King, was elected, Stefansson tried again. Although King was more interested in the proposition than Meighen had been, once again Stefansson's hopes were frustrated. In the meantime, King's government had agreed to send out the first of the annual Eastern Arctic Patrols in 1922 (doc. 275).

There were many reasons both for Stefansson's failure to carry through his plans and for the length of time that passed before the government came to a final decision. Initially, there was no expert body by which Stefansson's proposals could be considered. Loring Christie, the legal adviser to the Department of External Affairs, was consulted, but he did not have the time or staff resources to take on any major responsibility. The Deputy Minister of the Interior, W.W. Cory,

had been named as the new Commissioner of the NWT in 1919. Despite some experience in the Yukon, he knew little of the North, and no advisory council had yet been appointed to assist him.

The alleged Danish threat and Stefansson's Wrangel Island plan were therefore referred to the Advisory Technical Board (ATB), a committee composed of the heads of the various branches within the Department of the Interior. Its mandate was to examine the more technical questions that came before the department, such as the purchase of specialized scientific equipment.³¹ There were some officials with Arctic interests on the Board, most notably the chair, Édouard Deville, who had worked with Dawson to create the 1897 boundaries. At a special ATB meeting on 1 October 1920 (doc. 222), Stefansson presented his arguments and challenged the validity of the western sector line, only to meet with scepticism from Deville and others. However, Harkin energetically championed Stefansson's cause, and by December 1920 the ATB had been sidelined.

In the spring of 1921, Christie initiated inquiries about the supposed Danish threat through diplomatic channels. The response, along with other documents received from London in May 1921, convinced Meighen and his ministers that there was no Danish plan (see doc. 252n). In June Rasmussen and the Danish minister in London, Henrik Grevenkop-Castenskiold, provided written assurances that the planned Danish expedition to the Canadian Arctic was purely scientific in its aims (docs 256, 261).

By the time Stefansson renewed his Wrangel campaign in March 1922, there had been a major change in Canada's northern administration. The discovery of oil near Fort Norman in 1920 had provided the impetus for the appointment of a Northwest Territories Council (NWTC) and for the creation of a Northwest Territories Branch - after 1923, called the Northwest Territories and Yukon Branch (NWTYB) - within the Department of the Interior. The NWTC met seldom and did little until the late 1920s, but the new branch, under the leadership of Oswald Sterling Finnie (fig. 21), quickly became a force to be reckoned with. Finnie spent most of 1921 in the NWT, but in January 1922 he took up the sovereignty issue (doc. 267). Along with John Davidson Craig (fig. 22), he pushed strongly for the revival of the plan to establish police posts on the northern islands. Joseph Bernier was hired once again, but only as captain of the patrol ship, a position he held until 1925. Command of the 1922 and 1923 patrols was given to Craig; his successors were other officials from the Department of the Interior.

As for Wrangel Island, Finnie and Craig saw little merit in Stefansson's proposals. They believed that claims to territory outside the sector would only imperil Canada's sovereignty over its own northern islands. As Craig wrote, "If Canada can go a thousand miles outside her boundary and claim Wrangell Island, the United States can apparently, with equally strong justification, go and claim one or more of our Northern islands" (doc. 276). Craig and Finnie reasoned that

³¹ See LAC, RG 88, vol. 222, file 17290.

while possessing the entire archipelago was in Canada's national interest, a conflict with Russia over Wrangel Island was not. Accordingly, the sector principle appealed to these men on practical grounds. In 1922, James White became the Minister of Justice's adviser on boundary issues, and thus he was once again involved in sovereignty discussions. White worked behind the scenes to discredit Stefánsson's Wrangel plans – an endeavour in which he was highly successful. At some point in 1923 White made contact with Finnie and Craig, and by early 1925 he was among the first people they turned to for advice.

In the summer of 1924, on Finnie's advice, Ottawa finally decided that there would be no Canadian claim to Wrangel Island (docs 321-325). By that time, four Royal Canadian Mounted Police (RCMP) posts had been established in the archipelago: two on Baffin Island, one on Ellesmere Island, and one on Devon Island. Finnie and Craig were convinced that there must be an ongoing and ever-expanding program of occupation. The RCMP Commissioner, Cortlandt Starnes, was reluctant to see more of his men stationed on the uninhabited islands north of Lancaster Sound. Instead, Starnes favoured additional posts on Baffin Island, so that the police could oversee the interactions between white traders and Inuit. Finnie and Craig, however, were determined to create a stronger Canadian presence in the high Arctic, and they were also aware of the need to track and regulate foreign exploration there (doc. 335). Following reports that the American Donald MacMillan had broken Canadian game laws during his 1923 expedition, they intended to ensure there would be no further violations in 1925 (doc. 329).

Part Four, 1925-1928

At the beginning of 1925, an unprecedented number of foreign explorers were planning expeditions to the Canadian Arctic: some of them intended to employ aviation as a means of searching for the ever-elusive northern continent. As well, Norway made the first in a series of inquiries about the basis for Canada's claim to the Sverdrup Islands (doc. 339). The Norwegian note was sent to the Department of External Affairs, but the Under-Secretary, Sir Joseph Pope, was then on the verge of retirement, and his successor, O.D. Skelton, had not yet taken up his duties. The Norwegian query was therefore sent to Finnie, who turned to Joseph Bernier and James White.

Bernier characteristically suggested a proclamation (doc. 342). White, in contrast, produced a detailed memo in which Sverdrup's actions – so far as they were known through his published narrative – were carefully recounted, and the rival claims of Norway and Canada were examined from the legal point of view (doc. 343). White pointed out the lack of any official Norwegian claim to, or further activity in, the Sverdrup Islands. On Canada's side, in terms of an actual presence in the Sverdrup Islands, there was only Stefánsson's visit during the Canadian Arctic Expedition. But in White's view, the archipelago must be viewed as a single geographical entity. Through the sector lines, Canada had laid claim to all the islands, and it had embarked on a process that would ultimately lead to effective occupation throughout the archipelago. White also addressed the

question of what constituted effective occupation in the polar regions, arguing persuasively that the standard used in the temperate zone could not be applied in the Arctic. This memo secured White's position as one of Finnie's most valued advisers and, as it turned out, provided the framework for Canada's new Arctic policy.

In April 1925, Finnie was gratified by the interest shown in Arctic sovereignty by the new Under-Secretary of State for External Affairs, O.D. Skelton. The Minister of the Interior, Charles Stewart (fig. 23), was also in favour of new initiatives and asked that a clear statement of Canadian policy should be drawn up. To carry out this request, Finnie suggested the formation of an interdepartmental committee, which was later named the Northern Advisory Board (NAB). The Board met for the first time on 24 April (doc. 353). The main topic discussed was the possible threat posed by MacMillan's expedition, to which an aviation unit from the United States Navy had been added, giving the venture a quasi-official status. As a result, James White adapted the arguments he had made in his Sverdrup Islands memo to meet the new case. His second surviving articulation of the sector theory (doc. 365) stated that Canada had a claim to the entire archipelago on the basis of contiguity, but it also affirmed the importance of actual occupation. White emphasized that the Canadian posts so far established were strategically placed in order to assert control over all the islands (and, of course, he expected that additional posts would follow in the near future).

The 1925 sector claim, then, was not intended as a substitute for occupation; rather, it outlined the area to which the ongoing process of Canadian occupation would ultimately extend. This view was endorsed by Skelton and Finnie, by the NAB, by Prime Minister King acting in his capacity as Secretary of State for External Affairs, and finally by Council (docs 366n, 371). Then a despatch based on White's memo was sent to the British Embassy in Washington, which was asked to make representations to the State Department about the MacMillan expedition (doc. 377). At the same time, Parliament passed legislation that would require foreign explorers and scientists to apply for permits, and the RCMP were instructed to enforce the game laws if they encountered MacMillan in the North (docs 385, 386).

Although the United States did not explicitly acknowledge Canadian sovereignty in 1925, and indeed delayed doing so for many years, internal American documents show that the State Department never advocated a rival US claim to any of the Canadian islands. Rather, because officials in Washington applied the same standard for occupation in the polar regions as elsewhere, they were unsure whether the Canadian presence was sufficient to warrant full recognition. However, they repeatedly acknowledged that Canada was doing more in the Arctic than any other nation.³² (And, according to its own high standard for effective occupation, the United States could make no claim to any land within the

³² See documents in NACP, RG 59, Decimal files 1910-1929, box 7156, file 800.014.

Canadian sector.) As well as being officially conveyed to the State Department through diplomatic correspondence, the Canadian claim was publicly put forward by Minister Stewart in Parliament on 10 June³³ and through the press on 12 June.³⁴ Accordingly, Washington's failure to protest could be considered as tacit acquiescence. Without backing from his government, MacMillan was obliged to apply for a Canadian permit in 1926 (doc. 412) and later years.

Unlike the Americans, many British officials found the arguments in favour of Canada's sector claim persuasive (docs 384, 393). Sir Charles Davis of the Dominions Office harked back to the Bering Sea arbitration, apparently grasping intuitively the basis of the Canadian theory. When the Soviet Union made its own sector claim in 1926, Britain did not protest, in order to safeguard both the Canadian claim in the Arctic and its own claims in the Antarctic (doc. 423). Canada, meanwhile, proceeded to further integrate the sector theory with its state practice through the creation of the Arctic Islands Game Preserve, the eastern and western boundaries of which followed the sector lines to the Pole (docs 402, 415, 417). Further infractions of Canadian laws and regulations by MacMillan and another American explorer, George Putnam, were easily handled (docs 432, 433, 436, 454, 455).

It appeared that the only potential remaining obstacle to general international recognition of Canada's sovereignty over the entire archipelago was the shadowy Norwegian claim. The Norwegian inquiries had continued (docs 404, 421), even as the first RCMP patrols to the Sverdrup Islands were carried out. In March 1928 Norway stated that it wished to reserve its rights gained by Sverdrup's discoveries (doc. 428). However, this move was part of Oslo's plan to obtain sovereignty over Bouvet Island in the Antarctic, which was also claimed by Britain. The Norwegian minister in London argued that his country had the better claim to Bouvet Island on the basis of a recent visit and intended occupation. He added that if British policy was not to regard occupation as the key criterion for sovereignty, Norway could well make difficulties for Canada with regard to Sverdrup's discoveries. The matter of Bouvet Island was amicably settled to Norway's satisfaction, but without any explicit agreement that there would be no Norwegian claim to the Sverdrup Islands (doc. 435). Canadian officials therefore wondered whether Norway might yet try to challenge Canada's title (doc. 437).

Part Five, 1929-1939

In 1929-1930 the matter of the Sverdrup Islands was settled in a manner that (despite a few missteps) reflected credit on Canada's developing capabilities in the area of international diplomacy. With the close of the Bouvet Island dispute, the Norwegian government believed it had no further use for the Sverdrup Islands as a bargaining tool, and the Foreign Ministry therefore informed Sverdrup that he was

³³ Canada, *House of Commons Debates*, 14th Parliament, 4th session, vol. 168, pp. 4069, 4084.

³⁴ "Canada's Claims are Explained," *New York Times*, 13 June 1925, p. 17.

free to approach Canada with a request to be financially compensated for his Arctic work. If such compensation was offered, and if Canada agreed to guarantee Norwegian citizens certain rights in the Sverdrup Islands, the Norwegian government would formally recognize Canada's title.³⁵ None of this information, of course, was known in Ottawa, and neither Sverdrup nor his representative, Eivind Bordewick, ever said anything about the proviso they had been asked to obtain.

In May 1929, Bordewick approached Prime Minister King on Sverdrup's behalf (doc. 438). The members of the NAB, confident in Canada's case and sceptical of Sverdrup's claim that he had validly taken possession of the territory, nevertheless concluded that formal Norwegian acknowledgement "might be worth something" (docs 445-447). Bordewick was therefore given reason to hope for a favourable outcome, but he was firmly rebuffed when he pushed for a quick decision by Canada (docs 449-451). The British government, meanwhile, was irritated when Norway once again attempted to use the Sverdrup Islands as a pawn, this time in negotiations over its claim to Jan Mayen Island (docs 440, 452). When Skelton visited London in the autumn of 1929, it was agreed that compensation for Sverdrup was probably the key to resolving the matter, although the British could also turn Oslo's strategy back on the Norwegians by insisting that the Sverdrup Islands matter be concluded before the UK would recognize their claim to Jan Mayen (doc. 463).

Once back in Ottawa, however, Skelton found his colleagues on the NAB reluctant to offer as much money as Sverdrup wanted. The explorer had initially asked for \$200,000, but in December 1929 he indicated his willingness to accept \$100,000. However, the members of the Board felt that \$25,000, along with a pension of \$2,400 a year, should be sufficient (docs 473, 477). The deadlock was finally broken when Bordewick suggested \$25,000 plus a capitalization of the pension, amounting to \$67,000 in total (doc. 484). The deal was then concluded on the basis that Sverdrup would provide his original journals, notes, and charts and that the Norwegian government would recognize Canadian sovereignty (docs 480, 488, 489).

No sooner was this arrangement made than Norwegian officials brought forward their proviso about special rights for Norwegian citizens (doc. 490). When the British minister in Oslo demurred on Canada's behalf (doc. 498), the Norwegians did not seem to wish to press the matter. However, when Norway

³⁵ Thorleif Tobias Thorleifsson, "Norway 'Must Really Drop Their Absurd Claims Such as That to the Otto Sverdrup Islands.' Bi-Polar International Diplomacy: The Sverdrup Islands Question, 1902-1930," Master's thesis, Simon Fraser University, 2006, p. 65. This thesis was the first study of the Sverdrup Islands issue to use declassified Norwegian files, and it contains much valuable information. However, the author did not see all the Canadian and British documents printed here. These documents indicate a need to modify some of Thorleifsson's conclusions. In particular, he attributes certain decisions to Skelton that should more properly be credited to Finnie, who counselled Skelton and helped him to avoid at least one serious mistake (see docs 511, 512).

offered its recognition in August 1930, it was only on the condition that Norwegians should have guaranteed rights regarding economic activities (docs 504, 505). Skelton was inclined to acquiesce, but Finnie strengthened his resolve and pointed out that the existence of the Arctic Islands Game Preserve precluded any such rights for foreigners in the archipelago (docs 514-515). Further problems were caused when Bordewick informed the Department of External Affairs that Sverdrup did not possess any documents of the kind demanded by the agreement.³⁶ In the end, Norway accepted Canada's statement that the desired rights could not be provided (docs 523, 524). The note sent by the British representative in Oslo added that, if the game regulations were ever changed, Norwegians would of course be free to apply for the necessary permits to carry on economic activities in the archipelago. This remark was of no legal significance, since if the regulations were changed, all Canadians and foreigners would naturally be able to make such applications. Oslo was assured only that applications from Norwegian citizens would meet with "most friendly consideration." With this matter finally settled, the payment to Sverdrup was made, and in return his journals were sent to Ottawa.

James White had died in 1928, but Lester Pearson (a future Under-Secretary of State for External Affairs, Secretary of State for External Affairs, and Prime Minister), who was asked to investigate the legal side of the Sverdrup Islands issue, read White's 1925 memos and was strongly influenced by them (see docs 459, 522). However, once Norway had formally recognized Canada's title, Arctic policy was no longer accorded high priority by the Department of External Affairs. In terms of both theory and practice, a clear shift was evident. The goals of the 1925 sector claim had been achieved through the acquiescence of the United States and the recognition accorded by Norway. And, after transarctic flights by Roald Amundsen and Hubert Wilkins, no sign of the fabled northern continent, or indeed any other new land, had been found. Accordingly, to some officials, including Finnie, the sector principle no longer seemed essential to Canada's position (doc. 527).

The most northerly of the RCMP posts had been placed on the Bache Peninsula, Ellesmere Island, in 1926. The location was chosen mainly because it was on the best overland route to the Sverdrup Islands (doc. 369). However, the post itself was often difficult to reach by ship. In 1931, Skelton readily agreed that the Bache post should no longer be manned year-round (docs 529-531). Increasingly, Arctic policy was handled by the Northwest Territories Council – which had begun to meet more frequently during 1929 – rather than by the Northern Advisory Board. The NAB appears to have held its last meeting in March 1931. At the end of 1931, the NWTYB was eliminated as part of Depression-era reductions in the civil service. Both Finnie and Craig took early

³⁶ Bordewick to External Affairs, 15 October 1930, LAC, RG 25, vol. 2667, file 9057-A-40.

retirement. The Bache post was closed in 1933, as was another of the high Arctic RCMP posts, Dundas Harbour.

Northern matters were now handled primarily by Roy Gibson (fig. 24), the Assistant Deputy Minister of the Interior and Deputy Commissioner of the NWT. In 1931 W.W. Cory had been replaced as Commissioner by the new Deputy Minister of the Interior, Hugh Rowatt. Rowatt was nearly 70 at the time of his appointment and apparently had little interest in the North; his successor, James Wardle, had still less interest. Between 1931 and 1936 northern administration was placed under the Dominion Lands Board, of which H.E. Hume was Chairman until 1933, when he retired and was replaced by J. Lorne Turner. Unlike Finnie, neither Hume nor Turner was a member of the NWTC, and unlike Cory and Rowatt, Wardle was never appointed NWT Commissioner. Major decisions were therefore made by Gibson, who served as Acting Commissioner after Rowatt's retirement in April 1934 and during Wardle's tenure as Deputy Minister (August 1935 to December 1936). At the end of 1936 the Department of the Interior was amalgamated with the Department of Mines to form the Department of Mines and Resources. The new Deputy Minister and Commissioner, Charles Camsell, was born in the North and had considerable experience doing geological fieldwork there. However, he too seems to have left most of the decisions to Gibson.

Gibson thus ought to be a major figure in the history of Canada's North, yet he remains something of an enigma. Before 1931, he was often peripherally involved in Arctic sovereignty decisions, but a study of his letters and memos from the 1920s yields no evidence of any strong views on or deep involvement in Arctic issues. Gibson was undoubtedly an efficient administrator, who carried out directives to keep expenses down with ruthless thoroughness. As a result, his subordinates later described him as dictatorial and lacking in vision.³⁷ Yet the documents from the 1930s printed here do convey some sense of Gibson's concerns and aims once the North became his responsibility (see especially doc. 544). He did not ignore sovereignty questions, and indeed frequently pushed to have a definitive report on the matter drawn up by the Department of External Affairs. Gibson wanted Skelton on the NWTC, and Skelton was in fact appointed in 1938, but the busy Under-Secretary attended only sporadically.

In the absence of any adequate response from External Affairs, Gibson turned to T.L. Cory, a solicitor in the Department of Mines and Resources. From the legal point of view, Cory's report (doc. 541) was seriously lacking, since it showed no awareness of the recent (1933) decision of the Permanent Court of International Justice (PCIJ) in the Eastern Greenland case.³⁸ This influential decision validated White's argument that the usual standard of effective occupation must be modified

³⁷ See the comments quoted in Shelagh D. Grant, *Sovereignty or Security? Government Policy in the Canadian North, 1936-1950* (Vancouver: UBC Press, 1988), p. 27.

³⁸ Permanent Court of International Justice, series A B, Judgments, Orders and Advisory Opinions, fascicule no. 53, *Legal Status of Eastern Greenland*, judgment of April 5th, 1933.

in the polar regions. Because Cory did not specialize in international law, his ignorance of a major milestone in legal thinking on the polar regions is not altogether surprising. His report certainly over-stated the possible objections to Canada's title, but it also demonstrated an eagerness to resume a more active northern policy that probably reflected Gibson's own attitude. Indeed, in a climate of stringent financial limits, the suggestion of possible continued threats to Canadian sovereignty may well have been a strategy to gain increased funding.

If this was the case, the strategy failed, and there were no major new initiatives during the 1930s. According to Gibson himself, the responsibility did not belong to him or to his subordinates. In 1943, when Gibson was coming under criticism from younger bureaucrats, he wrote to Hugh Keenleyside (who had replaced Skelton as the External Affairs representative on the NWTC):

I think you will agree that within the limits of the appropriations available a pretty workmanlike job of administration has been done ... The difficulty is that the depression enforced years of most rigid economy. Repeated attempts have been made to get a larger vote so that many of the difficulties could be met in a more adequate manner, but our vote has been kept within the limits of minimum requirements of year to year administration.³⁹

Gibson does appear to have done at least a "workmanlike job" on sovereignty matters. He was always alert to any reports of infringements of Canadian laws by foreigners, and in 1934, while he was Acting Commissioner, the practice of having Canadian representatives on foreign expeditions was inaugurated (docs 533-535). But without clear guidance on legal matters from External Affairs, the thinking of many bureaucrats in the northern administration became muddled. For example, David McKeand, who commanded the Eastern Arctic Patrols from 1932 to 1945, proved dangerously susceptible to the idea that re-settling Inuit from Baffin Island in the high Arctic could give a much-needed boost to Canada's title (see doc 545).

Fortunately, McKeand's ideas had no practical consequences at the time, although they were to be revived by his successors. Instead, the members of the RCMP were still the main upholders of Canadian sovereignty. Even with a reduced number of posts, the police continued to make long overland patrols that included the high Arctic, and their "floating detachment," the *St. Roch*, sailed the waters of the western Arctic every year, beginning in 1928. Thanks to the police efforts, the ongoing Eastern Arctic Patrols, and Gibson's low-key but steady administration, Canada was in a good position with regard to sovereignty at the beginning of the Second World War. But with White, Finnie, Craig and others either dead or retired, and Skelton increasingly preoccupied with the situation in Europe, the advances made between 1922 and 1930 were in danger of being forgotten not only by the public, but by Canada's own bureaucracy.

³⁹ Gibson to Keenleyside, 19 April 1943, LAC, RG 25, vol. 3198, file 5220-40.

Part Six, 1940-1949

In January 1940 Gibson wrote to the Department of External Affairs, asking about the possible sovereignty implications of closing the post at Craig Harbour – the only high Arctic post still manned year-round – for the duration of the war. The lack of adequate institutional memory on sovereignty matters is vividly illustrated by Skelton's response. He asked one of the department's young legal officers, Max Wershof, to produce a memo on the subject (doc. 546). With little knowledge either of international law on the polar regions or of the background to Canada's sector claim, Wershof proceeded on the assumption that the sector principle and effective occupation were completely unrelated matters, and he expressed confusion as to which of them was the true basis for the Canadian claim.⁴⁰ In Wershof's mind, if there was for the time being no concrete occupation in the high Arctic, Canada's title would be seriously weakened – a conclusion that showed a complete disregard of the principles stated in the Eastern Greenland decision. Wershof conceded that Canadian sovereignty would not be entirely nullified; nevertheless, the implications of his statements were bleak. Skelton himself (who had carefully followed the progress of the Eastern Greenland case)⁴¹ then took over and – apparently without bothering to enlighten Wershof about the basis for his more positive thinking – he informed Gibson that, while occupation was always desirable, closing the post for a time “would neither nullify nor seriously weaken Canada's claims” (doc. 547).

Skelton died suddenly of a heart attack in January 1941. With his passing, insider knowledge of the Arctic policy regime created during the 1920s was all but lost. Pearson continued to uphold the sector theory, but he often found his colleagues at External Affairs badly informed about the principle, sceptical of its value, and convinced that, in Hume Wrong's often-quoted phrase, Canada's sovereignty over the islands on which there were no actual posts was

⁴⁰ American lawyer Charles Cheney Hyde, a former State Department employee who upheld the application of the regular standard for effective occupation in the polar regions, had by this time published a definition of the sector theory which asserted that it was “unconcerned with ... absence of control. It purports to reserve from the application of commonly accepted principles of international law particular areas deemed to possess a unique relationship with the claimant state.” Hyde, “Acquisition of Sovereignty over Polar Areas,” *Iowa Law Review*, vol. 19, no. 2 (January 1934), p. 289. This definition was later repeated in Hyde's *International Law Chiefly as Interpreted and Applied by the United States*, 2nd edn (Boston: Little, Brown, 1947), p. 347.

⁴¹ See LAC, vols 1552 and 1553, file 1929-896. In 1932 Canada's representative at the League of Nations, Walter Riddell, was alerted by Dag Hammarskjöld (then the registrar of the PCIJ) that the decision in the Eastern Greenland case would be “of the greatest importance in respect to unoccupied hinterlands.” Skelton accordingly requested copies of the court documents. (Riddell to Skelton, 14 July 1932, and Skelton to Georges P. Vanier, 19 September 1932.) Even before the dispute had been taken to the PCIJ, the members of the NWTYB were already aware of its potential significance for Canada. In 1931, George Mackenzie had pointed out to Finnie that the matter was “of particular interest to us because the question of effective occupation has been raised by Norway.” (Mackenzie to Finnie, 26 February 1931, LAC, RG 85, vol. 749, file 4419.) But by the time the PCIJ rendered its decision in 1933, Finnie and Mackenzie had both retired.

"unchallenged but not unchallengeable."⁴² Although officials generally expressed a reasonable degree of confidence about Canada's title, nagging doubts such as Wrong's were not infrequent. Nevertheless, Ottawa always proceeded as if it did indeed have sovereignty, and Canadian dealings with the United States during the war were, in general, both confident and successful. The first American request came in August 1941, even before the United States had entered the war (docs 549-553). The US wished to establish stations on Baffin Island and in northern Quebec for meteorological observations, and also for ferrying aircraft to Britain as part of the Lend-Lease agreement. Since the request was in itself an implicit acknowledgement of Canada's sovereignty, there was no alarm on this score in Ottawa. Prime Minister King gave his permission, provided that Canada reserved the right to replace the US facilities with its own.

The later US activities in the Canadian Northwest are extensively covered in the regular *DCER* volumes (see appendix to Part Six). However, one major thread was omitted. Many historical accounts have focused on the April 1943 report to Prime Minister King from the British High Commissioner, Malcolm MacDonald. This report, printed in Volume 9, presented a highly alarming picture of the overwhelming and largely unregulated US military presence.⁴³ A response from Keenleyside (then the Assistant Under-Secretary of State for External Affairs) appeared in the same volume. Keenleyside was far less perturbed than MacDonald, noting that the difficulties described in MacDonald's memo were "both real and imagined." Keenleyside mentioned that the problem of US officers taking action without prior permission from Ottawa had already been "pretty completely solved" and that "a regularization of the whole procedure along lines approved by Canada" would soon be in place.⁴⁴ However, since no documents to back up these statements were printed, Keenleyside's contentions have largely been ignored. The present volume includes a series of documents (554-569), dating from September 1942 to June 1943, which demonstrate that Keenleyside's more confident attitude was fully justified. Keenleyside had been alerted to the need for more consultation seven months before MacDonald made his report, and with the full co-operation of senior US officials, the Department of External Affairs had negotiated a satisfactory arrangement. This agreement was embodied in a memo by Lewis Clark of the US Legation in Ottawa (doc. 569).

Gibson, meanwhile, had not ceased his eagle-eyed watchfulness for any possible threats to Canadian sovereignty in the archipelago. Inspired by a newspaper article suggesting that the postwar era might bring questions about Canada's title, in January 1944 he suggested to RCMP Commissioner Stuart Wood that new activity in the high Arctic by the *St. Roch* would be valuable (docs

⁴² Hume Wrong, memo to A.D.P. Heeney, 24 June 1946, *DCER*, vol. 12, doc. 921. Wrong's statement, like so many others, shows a failure to understand the importance of the Eastern Greenland decision for Canada's case. It resembles Wershof's 1940 view rather than Skelton's.

⁴³ MacDonald memo, 6 April 1943, *DCER*, vol. 9, doc. 1253.

⁴⁴ Keenleyside memo, 9 April 1943, *ibid.*, doc. 1255.

570, 571). The result was the famous 1944 voyage under the command of Sergeant Henry Larsen. The *St. Roch* became the first ship to sail through the more northerly, and hence far more difficult, Northwest Passage route (see fig. 28 and map 8.6).

After the war, Gibson continued to push for a definitive sovereignty report from External Affairs. A year and a half before his retirement, such a report was finally commissioned from Vincent MacDonald of the school of law at Dalhousie University (doc. 572). Before MacDonald began his labours, a massive amount of data on government activities in the North was compiled by the Department of Mines and Resources. The resulting record⁴⁵ provided MacDonald with ample evidence for his conclusion that Canadian sovereignty was secure. MacDonald's report was the first internal Canadian analysis to take full account of the Eastern Greenland decision.⁴⁶ He doubted the value of the sector theory, but he also observed that Canada's sector claim was "a claim to precisely the region which can be claimed successfully by right of effective occupation" when the criteria for occupation in the polar regions that had been set out by the PCIJ were applied. Here MacDonald, without realizing it, elucidated the true intention behind James White's memos, the 1925 Council decision, and Charles Stewart's ensuing public statements.⁴⁷ Despite his misunderstanding, MacDonald's words demonstrate that by 1949, the purpose of the 1925 sovereignty claim had been achieved.

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⁴⁵ Department of Mines and Resources, *Factual Record Supporting Canadian Sovereignty in the Arctic* (1949), copy in Jules Léger Library, Global Affairs Canada.

⁴⁶ Other External Affairs memos drew mainly on reference works published before the Eastern Greenland decision was made. Skelton's file on the case does not appear to have been consulted after his death. Had Skelton produced the memo for which Gibson so often asked, External Affairs would undoubtedly have been far more confident regarding sovereignty issues during the 1940s.

⁴⁷ MacDonald can hardly be blamed for this misunderstanding. Almost all other legal commentators also failed to grasp the true nature of the Canadian sector claim. For one of the few exceptions, see W.H. McConnell, "Canadian Sovereignty over the Arctic Archipelago," Master's thesis, College of Law, University of Saskatchewan, 1970, p. 43.

United Kingdom, and the Stettnsson Collection gave prompt and courteous attention to several requests for information. Dr. Geir Kløver of the Fram Museum, Oslo, very kindly sent me extracts from the diary of Otto Sverdrup.

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Janice Cavell

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NOTE ON EDITORIAL PRINCIPLES

The editorial principles used in this volume differ significantly from those of regular *DCEr* volumes. In regular volumes, the documents appear in standardized formats, and errors of spelling, grammar, capitalization, etc. are silently corrected. In this volume, while there has been some standardization of format and silent amendment of errors, the printed versions are much closer to the originals.

Obvious typographical mistakes have been silently corrected, and long “s”s in early handwritten documents have silently been changed to double “s”s. However, spelling and other errors that appear to have been typical of the writers or their time have been left unchanged, with occasional clarifications within square brackets.

Because of this practice, and also because of changing conventions on Arctic geographical names, there are numerous errors in both personal and place names. Only in cases of flagrant error – for example, James Sound instead of Jones Sound – has the correct name been added in square brackets. Thus, many documents use obsolete or incorrect versions such as Hudson’s Bay rather than Hudson Bay; McKenzie River rather than Mackenzie River; Cumberland Gulf rather than Cumberland Sound; and Rignes Islands rather than Ringnes Islands. Correct personal names can be found in the List of Persons. Readers should check other sources (such as Natural Resources Canada’s website)⁴⁸ in case of any doubt about the correctness of place names.

⁴⁸ See <http://www.nrcan.gc.ca/earth-sciences/geography/place-names/search/9170>.

The name North-Western Territory (rather than North-West Territory or Indian Territory) has been used in the Introduction, footnotes, etc. for the pre-1870 region. For the post-1870 period, the spelling Northwest Territories has been used throughout, even though North-West Territories was more common in the nineteenth and early twentieth centuries.

Grammatical errors and portions of text that do not make sense are followed by [*sic*], unless an amendment in square brackets could be used to correct the mistake or clarify the meaning.

Punctuation has been rendered as carefully as possible, but because in many cases it was necessary to work from microfilm copies, complete accuracy cannot be guaranteed.

Punctuation has been silently amended where it was clearly a mistake (for example, a comma at the end of a sentence) and silently added where it was missing and no other form of punctuation was possible. Short dashes, often used as a sort of all-purpose punctuation in the nineteenth and early twentieth centuries, have silently been replaced by periods, commas, colons, or en-dashes, according to what seemed most appropriate in particular cases. Em-dashes in printed documents have been replaced by en-dashes.

The convention of placing quotation marks at the beginning of each line of an offset long quotation has not been reproduced; however, such quoted passages do have quotation marks at the beginning and end, since the way in which long quotations are placed in some documents might otherwise be confusing to readers.

Other amendments to punctuation made for the sake of clarity, such as added commas and colons, have been placed within square brackets.

In cases where transcriptions are conjectural, the words about which uncertainty exists are placed within square brackets and followed by a question mark.

Abbreviated words have not been expanded unless their meaning might otherwise be unclear.

Cancelled words or phrases are included only if significant. They are indicated by a strikethrough.

The great majority of documents are printed in their entirety, but in some cases omissions were required because of excessive length, irrelevant material, or material that merely reproduced the contents of another document in the volume. Such omissions are indicated by an ellipsis within square brackets ([...]). In some cases, the omitted material is summarized in a footnote. An ellipsis without square brackets is part of the document.

Signatures on non-original documents, whether handwritten, typewritten, stamped, or absent, have been placed within square brackets.

Documents that are referred to in other documents, but are not themselves printed here, are identified with a dagger (†). When a document that has been printed here is referred to in another document, no cross-reference is provided if

the date is mentioned and the document can easily be found through the chronological arrangement of the volume. If the document cannot be found in this way, a cross-reference is given.

In the footnotes, English language publications are cited in English style and French-language publications in French style. Substantive quotations used in the footnotes have been kept in their original language.

The French versions of the names of government departments, etc., are taken from official documents of the time, even when these would now be translated differently. For example, until 1949 the name Royal Canadian Mounted Police was translated as *Royale gendarmerie à cheval du Canada* rather than as *Gendarmerie royale du Canada*.

In the headings and other editorial text, the spelling "despatch" has been chosen rather than "dispatch" because it is almost uniformly used in the documents themselves.

Because statutes are cited in the documents by the old convention using regnal years, the footnotes use a system combining this convention with the current one using calendar years.

Unless otherwise indicated, it can be assumed that documents have been read by their intended recipients.

The entries in the List of Persons include titles of nobility, but not knighthoods, medical degrees, doctorates, or military and police ranks. Generally, the positions listed are only those for the time of the document or documents that a person authored or in which he or she is mentioned. In some cases, however, extra information about lesser-known individuals has been included. Individuals without official positions, about whom nothing (or very little) more than what is revealed in the documents could be discovered, are often not listed.

USEFUL INFORMATION

Colonial Office Clerks: These officials were men of considerable education, status, and authority. The current meaning of the word clerks is not applicable to them.

Correspondence between the Governments of Canada and the United Kingdom: Until 1927, all official Canadian communications with the British government passed through the Governor General's Office and the Colonial Office (after July 1925, the Dominions Office). In 1927 this system was changed, and direct communication between the Department of External Affairs and the Dominions Office began.

The Privy Council: Technically, the Queen's (or King's) Privy Council for Canada consists of all current, and all living former, federal ministers, plus others who have been given the title Privy Councillor. The Committee of the Privy Council, also called the Cabinet, consists only of current ministers. However, the term Privy Council – usually abbreviated to Council – was commonly used until

the Second World War to denote what is now always called the Cabinet. ("Cabinet" was sometimes employed, but it remained a relatively rare term until the 1940s, when its use was promoted by the Clerk of the Privy Council, Arnold Heeney, who also became the first Secretary to the Cabinet.) "Privy Council" has accordingly been used in the document headings and "Council" has been used in the footnotes, etc., instead of "Committee of the Privy Council" or "Cabinet."

Approval of Orders-in-Council: Although Orders-in-Council had to be formally approved by the Governor General, he did not attend the Council meetings or play any role in the Council's decisions. After each meeting, the Clerk of the Privy Council sent the approved Orders to Rideau Hall for signature.

Control of the Mounted Police: From the creation of the North-West Mounted Police in 1873 until the defeat of Sir John A. Macdonald's government a very short time thereafter, Macdonald directly controlled the force in his capacity as Minister of Justice. In 1876 Alexander Mackenzie's government assigned this function to the Secretary of State. From the time when Macdonald regained office in 1878 until his death in 1891, control of the police was associated with various cabinet portfolios he himself held. Following his death, it was given to the President of the Privy Council, where it remained until late 1921. Except for a brief period in 1922 when the RCMP was under the control of the Minister of Militia and Defence, the Minister of Justice was responsible throughout the rest of the period covered by this volume.

Between 1891 and 1921, some prime ministers also held the portfolio of President of the Privy Council and thus, like Macdonald, were in direct control of the force. Sir Wilfrid Laurier was among this group. In the headings of documents written by or addressed to him in this capacity, he is identified as President of the Privy Council rather than as Prime Minister.

The Comptroller and the Commissioner of the Mounted Police: In 1873 Frederick White (then a clerk in the Department of Justice) was selected by Sir John A. Macdonald to assist with the organization of the force and to be its first Comptroller. In 1883 the position of Comptroller was made equivalent in status to that of a deputy minister. Because the NWMP was a branch of the civil government and not a military organization, White was thus its head. After White's retirement in 1913 he had two successors, Lawrence Fortescue and Angus McLean. With the amalgamation of the Royal North-West Mounted Police and the Dominion Police, the post of Comptroller was changed to Financial Comptroller, and the Commissioner became the chief official of the new Royal Canadian Mounted Police.

Legations and Embassies: According to the rules of diplomacy formulated at the Congress of Vienna (1815), only the great powers exchanged ambassadors among themselves. The most common type of diplomatic mission was a legation, headed by a minister rather than by an ambassador. The United Kingdom had legations,

not embassies, in countries such as Norway and Denmark. After the Second World War, this system changed and most diplomatic missions became embassies.

Diplomatic Representation of Canada Abroad: The Canadian High Commission in London was established in 1880. From 1921 until 1927, there was a Canadian agent, Merchant Mahoney, at the British Embassy in Washington. Canada had no diplomatic missions in foreign capitals until the late 1920s, when legations were opened in Washington (1927), Paris (1928), and Tokyo (1929). No additional legations were established until the late 1930s. For most of the period covered by this book, official Canadian communications to other governments were conveyed through the Foreign Office and its representatives abroad.

Diplomatic Representation of Other Countries in Canada: Many nations had consulates-general in Canada; most of these were located in Montreal, Toronto, or Vancouver rather than in Ottawa until the 1930s and 1940s. Some diplomatic correspondence (mostly on trade matters) was exchanged through these missions. The first foreign legation was established by the United States in 1927. The first British High Commissioner in Canada was appointed in 1928.

*Documents relatifs aux relations extérieures du Canada :
L'Arctique, 1874-1949*

INTRODUCTION

Ce volume spécial de la série *Documents relatifs aux relations extérieures du Canada* (DRREC) couvre une période de 75 ans, depuis les débuts de l'engagement du gouvernement canadien dans le Grand Nord jusqu'au moment où s'amorce une évolution géopolitique d'envergure. En 1874, les politiciens d'Ottawa ne savent même pas encore avec certitude si les îles arctiques font partie de leur pays — même s'ils conviennent rapidement que si ces îles dépassent la frontière nordique du Canada, ladite frontière devra être modifiée de manière à inclure l'archipel (doc. 6). Parallèlement, ils manifestent un intérêt poli à l'égard des recommandations relatives à l'administration et au développement des régions du fleuve Mackenzie et du Yukon, mais ils ne prennent aucune mesure en ce sens (doc. 2). Cela étant, en 1949, comme le confirmait un juriste externe dont le ministère des Affaires extérieures (MAE) avait retenu les services, nul ne pouvait plus douter de la souveraineté du Canada dans le Nord (doc. 572).

Le processus qui a mené à l'affirmation claire du titre du Canada en 1949 n'a pas été documenté abondamment dans les volumes réguliers des *DRREC*, du moins pour ce qui est de la période qui précède la Seconde Guerre mondiale. Il en est ainsi pour de nombreuses raisons. Premièrement, la série des *DRREC* commence par l'année 1909, l'année où le ministère des Affaires extérieures a été mis sur pied, de sorte que l'évolution de la politique extérieure antérieure à 1909 ne fait tout simplement pas partie de la série. Deuxièmement, même si les premiers volumes couvrent certains enjeux d'importance comme les négociations de 1929-1930 avec la Norvège au sujet des îles Sverdrup, la règle qui prévalait à l'époque où ces volumes ont été produits était de ne pas reproduire les comptes rendus des discussions internes du gouvernement. La série était donc axée plutôt sur la correspondance officielle. Troisièmement, plusieurs documents relatifs à l'Arctique sont demeurés classifiés jusqu'à tout récemment, de sorte qu'il n'a pas été possible d'assurer un tour d'horizon véritablement complet. Enfin, les documents provenant du ministère des Affaires extérieures (MAE) et du Bureau du Conseil privé (BCP) sont la principale source de contenu de la plupart des volumes des *DRREC*. En ce qui concerne les dossiers du MAE, le classement des dossiers antérieurs à 1940 est irrégulier et prête souvent à confusion. Quant aux dossiers du BCP, les conclusions du Cabinet — la source documentaire la plus fiable sur les délibérations et les décisions du gouvernement au plus haut niveau — remontent seulement jusqu'à 1944. Les seuls documents de source privée utilisés dans les volumes réguliers des *DRREC* sont ceux provenant des premiers ministres, des membres du Cabinet et des hauts fonctionnaires; cependant, pour ce qui est de la période antérieure à 1949, la plupart ne renferment que peu de renseignements sur l'Arctique, sinon aucun.

En revanche, le présent volume s'appuie largement sur les dossiers du ministère de l'Intérieur, de la Royale gendarmerie à cheval du Canada, du ministère de la Marine et des Pêcheries et d'autres organismes gouvernementaux qui ont pris part aux efforts d'affirmation de la souveraineté, et de documents privés de fonctionnaires de niveau intermédiaire et d'explorateurs comme Joseph Bernier et Vilhjalmur Stefánsson. Même des dossiers mineurs des Affaires extérieures ont été fouillés, et certains documents utiles ont parfois été découverts dans des endroits insoupçonnés. À défaut de disposer de comptes rendus officiels des discussions du Cabinet, les décisions de haut niveau sur les questions relatives à l'Arctique ont été retracées par le biais des notes destinées au Conseil (ainsi que, de manière générale, on appelait le Cabinet à l'époque), des décrets du Conseil et de la correspondance avec le ministère des Colonies (MC) dans les dossiers du Cabinet du gouverneur général et dans les archives nationales du Royaume-Uni, à Londres. Les documents internes du gouvernement britannique, en particulier la correspondance entre le ministère des Colonies et le Foreign Office (FO), ont permis de jeter un tout nouvel éclairage sur la question de l'Arctique. Les volumes réguliers des *DRREC* ne reproduisent pas de documents non canadiens; mais l'on a fait ici exception à cette règle pour les années antérieures à 1931, alors que le Statut de Westminster a établi une séparation en bonne et due forme entre la politique extérieure canadienne et la politique extérieure britannique. Une liste complète des sources peut être consultée à la page lxxvii-lxxviii. (Les documents originaux ont été utilisés dans la plus grande mesure possible parce qu'ils sont les plus susceptibles de renfermer des commentaires inscrits en marge et d'autres annotations importantes, et parce que les exemplaires manuscrits ou dactylographiés des premiers documents sont parfois inexacts. Lorsqu'on a tout juste trouvé un exemplaire, une annotation à cette fin est indiquée dans l'en-tête du document.) Au fil des ans, de nombreux responsables canadiens ont exprimé un sentiment d'incertitude et d'appréhension quant aux ambitions possibles des États-Unis dans l'Arctique. Bien qu'aucun document américain n'ait été reproduit, les dossiers pertinents qui se trouvent à Washington ont été examinés et l'information qui en provient est incluse dans les notes en bas de page.

Malheureusement, il persiste encore des lacunes importantes, surtout en ce qui concerne la période antérieure à la Première Guerre mondiale. Plusieurs documents et dossiers importants ont tout simplement disparu. Cela étant, les travaux de recherche entrepris pour produire le présent ouvrage ont permis de constituer un récit beaucoup plus riche, plus précis et plus contextuel, étayant comment et pourquoi la politique du Canada dans l'Arctique a été élaborée, que ce qu'il aurait été possible de faire en se limitant aux volumes existants des *DRREC* jusqu'à la période de la Seconde Guerre mondiale.

À partir du volume 7 (1939-1941, partie I), la couverture de l'Arctique devient beaucoup plus documentée. Ainsi, relativement peu de nouveaux documents d'une importance cruciale ont été trouvés pour cette période, et la partie 6 (1940-1949) est la plus courte de l'ouvrage, en dépit de l'importance considérable de cette

période dans l'histoire de l'Arctique. L'annexe de la partie 6 énumère les documents traitant de l'Arctique dans les volumes 7 à 15 (1949) sous les en-têtes de sujet général.

Bon nombre des documents des parties 1 à 5 ont déjà été cités par des historiens et certains ont été reproduits dans les premiers volumes de la série des *DRREC* ou ailleurs, mais de nombreux autres sont entièrement nouveaux. Les documents déjà reproduits qui sont essentiels à la compréhension d'une question en particulier l'ont été dans ces sections, alors que d'autres sont tout simplement indiqués dans les notes en bas de page. Toutefois, à la partie 6, il n'a pas été possible de reproduire des documents antérieurs de la série des *DRREC*, compte tenu du très grand nombre de documents importants dans les volumes existants. En lieu et place, on a dressé une liste complète des documents de la série des *DRREC* sur l'Arctique déjà reproduits, et celle-ci est jointe à l'annexe de ladite partie.

Les nouveaux documents contribueront à une compréhension renouvelée de la politique du Canada dans l'Arctique : outre leur importance intrinsèque, dans bien des cas, ils précisent le contexte de documents connus depuis longtemps par les chercheurs, et en proposent des interprétations différentes. Des commentaires plus détaillés sur l'importance du contenu des différentes parties et des explications relatives à certaines lacunes dans les documents sont présentés ci-dessous.

Tous les auteurs qui écrivent sur l'Arctique ont de la difficulté à déterminer ce que constitue précisément « l'Arctique » sur le plan géographique. Pour les besoins du présent volume, le critère utilisé de façon générale est la perception des responsables de l'époque qu'un enjeu en est un qui touche l'Arctique. En conséquence, le volume traite de la question de la souveraineté de la baie d'Hudson même si elle se trouve entièrement au sud du cercle polaire. La présence militaire américaine dans les Territoires du Nord-Ouest (T. N.-O.) durant la Seconde Guerre mondiale est aussi documentée, même si la plupart des régions concernées se trouvent plutôt dans la région subarctique que dans l'Arctique à proprement parler. En outre, le litige relatif à la frontière de l'Alaska est traité uniquement dans la mesure où il a exercé une influence sur la compréhension d'Ottawa de l'exigence relative à l'occupation effective et à l'administration dans la partie continentale de l'Arctique occidental. La partie de la frontière en litige se situe entre la Colombie-Britannique et la bande côtière de l'Alaska, et non entre le territoire du Yukon et l'Alaska. Même si l'accès aux champs aurifères du Yukon est un facteur déterminant dans ce litige, les échanges diplomatiques et autres sur la question n'en révèlent que peu sur la politique du Canada dans l'Arctique. De plus, les documents les plus importants ont déjà été reproduits dans une autre collection¹.

C'est donc à l'intérieur de ce cadre que ce volume vise à couvrir tous les épisodes importants de l'évolution de la politique du Canada dans l'Arctique jusqu'à 1949. Les opinions exprimées dans ces documents ne peuvent pas toutes

¹ John A. Munro, ed., *The Alaska Boundary Dispute* (Toronto: Copp Clark, 1970).

être acceptées sans réserve, et tous les incidents mentionnés ne peuvent pas être considérés comme de grande importance. En effet, bon nombre des opinions sont mal documentées ou fallacieuses, et en retrospective, certains des incidents semblent presque triviales. N'empêche, même les erreurs qu'ont parfois commises les politiciens et les fonctionnaires constituent une partie importante du dossier historique. Il ne faut pas non plus sous-estimer l'effet cumulatif sur le Grand Nord des nombreuses initiatives gouvernementales et des règlements de moindre envergure. Comme l'écrivait Lester B. Pearson en 1946, même si l'affectation d'agents de la Royale gendarmerie à des fonctions de maîtres de poste, d'inspecteurs des douanes et d'agents d'immigration prévoyait seulement des tâches « nominales », elle revêtait quand même une « importance internationale », car « si un navire de ligne stratosphérique du futur devait atterrir quelque part au sud du pôle dans son périple de l'Europe à l'Asie, ses passagers trouveraient un drapeau canadien, une station du gouvernement canadien et probablement un avis les avertissant qu'en vertu du décret du Conseil 7496, article 3, paragraphe 12, ils sont passibles d'une amende ou d'une peine d'emprisonnement, ou les deux, s'ils n'éteignent pas leur feu de camp²! »

En effet, l'administration d'usage a probablement eu plus d'importance que les moments de panique sur la question de la souveraineté, qui étaient tous considérablement exagérés. De fait, on pourrait même avancer que la véritable importance de ces moments de panique réside dans le fait qu'ils menaient habituellement à une augmentation des tâches d'administration d'usage. Une autre raison sous-jacente à l'inclusion de ce contenu est qu'il permet de se faire une idée de l'effet qu'une présence gouvernementale accrue (et la prolifération de nouveaux règlements qui étaient souvent mis en place principalement à des fins d'affirmation de la souveraineté) exerçait sur les Autochtones et les Blancs du Nord. Par exemple, le lecteur peut se reporter aux documents traitant de la fin du commerce côtier étranger dans l'Arctique occidental (docs 313, 316-319, 326 et 327).

Au lieu d'être structurés en thèmes, les documents sont reproduits en ordre chronologique et divisés en six parties. Cette structure a été retenue parce qu'elle met en relief les liens qui existaient souvent entre les différents enjeux relatifs à la souveraineté dans le Nord. Les lecteurs qui désirent obtenir des documents traitant d'un sujet en particulier devraient trouver facilement les documents pertinents en consultant les index de classement par sujet, auteur et destinataire.

Les cartes ont été regroupées dans les premières pages du volume afin de pouvoir s'y reporter facilement. Pour obtenir de l'information contextuelle sur les aspects de la procédure et de l'organisation gouvernementale, sur certains postes de la fonction publique et sur les relations diplomatiques du Canada avec d'autres pays, reportez-vous à la page lxxiii-lxxv; pour obtenir une explication sur les

² L. B. Pearson, "Canada Looks Down North", *Foreign Affairs*, vol. 24, no. 4 (juin 1946), pp. 639-642.

conventions rédactionnelles utilisées dans la transcription et l'annotation des documents, reportez-vous à la page lxxi-lxxiii.

Première partie : 1874 à 1897

La question de la frontière nordique du Canada est soulevée pour la première fois en 1874, quatre ans après le transfert de la Terre de Rupert et du Territoire du Nord-Ouest du Royaume-Uni³. Les frontières de la Terre de Rupert, à l'égard desquelles au fil des ans la Compagnie de la Baie d'Hudson avait formulé des revendications qui étaient loin d'être cohérentes, ont souvent été l'objet de litiges depuis la fondation de l'entreprise en 1670. De manière générale, en 1870, il est alors reconnu que la Compagnie de la Baie d'Hudson est fondée à revendiquer uniquement le bassin hydrographique de la baie d'Hudson, qui comprend une partie du sud-ouest de l'île de Baffin. Le Territoire du Nord-Ouest, aussi appelé le Territoire indien, avait été défini par des lois en 1821 et en 1859 simplement comme tout ce qui ne faisait pas partie des États-Unis, de l'Alaska, de la Terre de Rupert ou des colonies britanniques. Il est fort possible que cette définition ait été comprise, à l'époque de la Confédération, comme incluant l'ensemble des îles nordiques découvertes par les explorateurs britanniques (voir carte 1); toutefois, ce n'est pas ainsi que le comprenait Ottawa. Les politiciens canadiens, qui s'intéressaient presque exclusivement au potentiel des terres agricoles, ne semblent tout simplement pas avoir porté attention à l'archipel nordique⁴. De toute évidence, le nom « Territoire du Nord-Ouest » ne suggérerait pas que les îles arctiques seraient incluses dans le transfert, alors que le nom « Territoire indien » ne semblait pas applicable aux terres occupées par les Inuits (même si le terme Indiens esquimaux était parfois utilisé pour désigner les peuples autochtones du Nord au 19^e siècle).

³ La correspondance de 1874 à 1880 entre le ministère des Colonies et Ottawa a été examinée par de nombreux historiens, mais la plupart ont utilisé les copies effectuées pour les responsables canadiens en 1921 (voir doc. 265). Ces copies n'incluent pas les notes rédigées par les responsables du ministère des Colonies sur les lettres et les dépêches reçues, qui sont essentielles pour comprendre les intentions sous-jacentes au transfert des territoires de l'Arctique au Canada. L'historien Gordon W. Smith a utilisé des copies des documents du ministère des Colonies sur microfilm, avec notes, détenus à Bibliothèque et Archives Canada (BAC), mais même lui semble avoir omis certaines notes très importantes ainsi que certains documents canadiens. Voir Smith, "The Transfer of Arctic Territories from Great Britain to Canada in 1880, and Some Related Matters, as Seen in Official Correspondence," *Arctic*, vol. 14, no. 1 (March 1961), pp. 53-73. Longtemps, cet article a été la source documentaire de référence sur le transfert de 1880, mais l'interprétation offerte ici est différente à certains égards.

⁴ En 1869, les commissaires canadiens, sir George-Étienne Cartier et William McDougall, décrivaient le Territoire du Nord-Ouest comme « toute cette partie de l'Amérique du Nord britannique, du Canada à l'Est jusqu'à la Colombie-Britannique, l'Alaska et l'océan Arctique, à l'Ouest et au Nord, qui n'a pas été jusqu'à présent consentie valablement à la Compagnie de la Baie d'Hudson, et aujourd'hui détenue par elle ». Cartier et McDougall to Frederic Rogers, 8 February 1869, dans *Report of the Delegates appointed to Negotiate for the Acquisition of Rupert's Land and the North-West Territory* (Ottawa: Queen's Printer, 1869), p. 27.

Depuis les années 1840, des sociétés écossaises et américaines pratiquaient la pêche à la baleine dans la baie Cumberland. En 1874, deux requêtes sont déposées relativement au statut de cette région, l'une par un Terre-Neuvien, Augustus Harvey, et l'autre par un Américain, William Mintzer (docs 1 et 3). Leurs doléances portent la question à l'attention du ministère des Colonies. Après une courte enquête superficielle, les responsables du ministère des Colonies concluent que la région en question ne faisait pas partie de la Terre de Rupert ni du Territoire du Nord-Ouest, de sorte qu'elle n'a pas été incluse dans le transfert au Canada (doc. 10).

Au moins un politicien britannique, James Lowther, se dit particulièrement préoccupé par « l'aventurier Yankee » Mintzer et le risque que les Américains formulent une revendication s'ils devaient apprendre que les Britanniques n'exercent pas leur souveraineté dans ce territoire. (doc. 4). Comme dans de nombreux épisodes de l'histoire de l'Arctique canadien, cette préoccupation n'était pas fondée et reflétait un manque d'information. La question de la souveraineté dans la baie Cumberland avait été soulevée des années plus tôt par le pêcheur de baleines écossais William Penny, de sorte qu'en 1854, l'ambassadeur britannique à Washington avait expédié une note au secrétaire d'État américain dans laquelle était affirmée la revendication britannique « fondée visant plusieurs groupes d'îles se trouvant au nord du détroit d'Hudson »⁵. Cette action semble avoir été efficace, car les documents internes du gouvernement américain produits des décennies plus tard montrent que les responsables de Washington avaient toujours tenu pour acquis que le Canada détenait des titres à l'égard de l'île de Baffin. Mintzer n'était pas non plus lui-même une quelconque menace : comme le démontre clairement une lettre restée jusqu'à maintenant inconnue qu'il avait adressée au gouvernement canadien (doc. 15), il n'était véritablement intéressé qu'à obtenir un permis pour exploiter des activités économiques.

Au départ, Londres et Ottawa veulent que le Parlement impérial adopte une loi pour dissiper tous les doutes relatifs à l'étendue du territoire transféré en 1870. Les responsables du ministère des Colonies consentent beaucoup d'efforts pour déterminer quelles seraient les frontières créées par toute loi en ce sens. Comme la question ne revêt aucun caractère urgent ou important en particulier, elle chemine lentement. Finalement, deux obstacles au plan original surgissent. Premièrement, les responsables de l'Amirauté relèvent que les États-Unis pouvaient être fondés à présenter une revendication en raison de la découverte de la Terre de Grinnell, le nom que l'on donne à l'époque à la portion centrale de l'île d'Ellesmere (doc. 30). Cela signifie que les Britanniques doivent soit définir la frontière de manière à

⁵ La baie Cumberland est située sur la côte est de l'île de Baffin, toutefois, le nom « île de Baffin » n'a commencé à être utilisé que dans les années 1880.

⁶ Edmund Hammond to Herman Merivale, 12 April 1854, incluant un exemplaire de la correspondance de John Crampton à Lord Clarendon, 20 March 1854, et une note de l'ambassadeur Crampton à William L. Marcy, non daté, TNA, CO 6 21. Étant donné qu'on croyait à l'époque que l'île de Baffin était composée de plusieurs îles, cette revendication visait la région immédiatement au nord du détroit d'Hudson, et non l'intégralité de l'archipel.

exclure la Terre de Grinnell soit ne pas la définir du tout. La première option empêcherait toute revendication canadienne éventuelle visant la Terre de Grinnell, alors que la deuxième permettrait au Canada de revendiquer explicitement la totalité de l'archipel, ultérieurement, s'il ne devait y avoir aucune contestation de la part des États-Unis. Puis, le nouveau secrétaire aux Colonies, Sir Michael Hicks Beach, insiste pour faire valoir qu'il est toujours possible de s'opposer à une loi inutile, quelle qu'elle soit, probablement parce que la question aura accaparé trop de temps d'un calendrier parlementaire déjà chargé (doc. 31). Hicks Beach préfère un transfert plus rapide et plus simple au moyen d'un décret du Conseil impérial, une mesure qui, de l'avis des conseillers juridiques du gouvernement, constitue un instrument adéquat à cette fin (docs 25 et 32).

L'Amirauté avait produit une carte représentant une frontière qui excluait la Terre de Grinnell (voir carte 3). Toutefois, le ministère des Colonies n'était pas en faveur de cette définition. Le responsable du ministère des Colonies, Ernest Blake, conclut plutôt qu'il serait préférable de laisser cette frontière « plus ou moins définie » (doc. 31). Le transfert est dûment effectué au moyen d'un décret du Conseil qui fait référence, dans des termes très généraux, aux territoires et aux possessions britanniques et aux îles adjacentes⁷. Cette approche présentait assurément ses avantages, lesquels ont effectivement été compris et appréciés ultérieurement par des responsables à Londres. Comme le souligne Arthur Berriedale Keith en 1911, « le Canada peut revendiquer tout ce qu'il désire revendiquer en vertu du motif voulant... que cela lui a été donné par le décret du Conseil de 1880 » (doc. 197). Cependant, les responsables canadiens n'avaient pas accès aux notes du ministère des Colonies dans lesquelles les conditions du transfert avaient été établies. Il est possible que les motifs du ministère des Colonies aient été communiqués verbalement à Sir John A. Macdonald lors de ses visites à Londres; cependant, si tel a été le cas, Macdonald ne semble pas l'avoir documenté pour référence ultérieure à Ottawa. Il s'en est donc suivi des décennies de doutes, chez les responsables canadiens, quant au tracé exact de la frontière nordique et quant aux raisons du manque de précision du décret.

Quant à la question de l'administration des territoires nouvellement transférés, les responsables britanniques et canadiens conviennent que cela n'est pas nécessaire tant que la colonisation des Blancs n'aura pas atteint l'archipel (doc. 39). Pendant ce temps, dans l'Arctique occidental, quelques habitants Blancs, dont le plus connu est l'évêque William Bompas, mettent en garde contre d'éventuels empiètements américains à la frontière avec l'Alaska, et insistent pour que le gouvernement y assure une présence (docs 2, 48, 51 et 72). Les avertissements de Bompas sont bien connus des historiens, tout comme ceux de John Schultz, lieutenant-gouverneur du Manitoba et de Keewatin. Toutefois, les rôles importants joués par Alexander Mackinnon Burgess (figure 2), qui a été sous-ministre de l'Intérieur de 1883 à 1897, et par Thomas Mayne Daly (figure 3), qui a été ministre de l'Intérieur de 1892 à 1896, sont révélés ici pour la première fois.

⁷ *Canada Gazette*, 9 October 1880, pp. 409-410 (version française).

Burgess est en faveur d'une politique nordique plus active dès le milieu des années 1880 (docs 42, 44, 46 et 47). En 1894, son point de vue obtient l'appui de Daly et du premier ministre, Sir John Thompson (docs 49, 53 et 56). En dépit de l'attitude moins enthousiaste qu'affiche le puissant contrôleur de la Police à cheval du Nord-Ouest (PCNO), Frederick White (figure 6), et son ministre, W.B. Ives (docs 50, 54 et 55), le policier Charles Constantine devient le premier représentant gouvernemental dans la région du Yukon (docs 57 et 59). Le premier geste sérieux du gouvernement en ce qui concerne le Nord survient juste à temps pour prévenir le chaos pendant la ruée vers l'or de la fin des années 1890.

En 1895, un décret du Conseil divise le Nord canadien en districts provisionnels : Ungava, Mackenzie, Yukon et Franklin (voir carte 4). Les frontières définies pour le district de Franklin font l'objet d'une revendication publique⁸ visant l'archipel tout entier, étant donné que toutes les îles connues y sont incluses. Malheureusement, les origines de ce mouvement audacieux demeurent presque entièrement inconnues. La note du ministre Daly au Conseil privé porte une référence à un dossier du ministère de l'Intérieur, le dossier 37906. Même si ce dossier existe encore, une note datée du 6 février 1897 révèle que tous les documents sur les districts du Grand Nord ont été retirés et versés dans un autre dossier, le dossier 389977, lequel a par la suite disparu⁹. Les documents restants dans le dossier 37906 concernent presque exclusivement les motifs à l'origine de la modification des frontières du district de Keewatin et d'Assiniboia. Ainsi, des facteurs politiques internes semblent avoir été la principale force motrice derrière le décret de 1895, qui traitait des districts plus anciens ainsi que des nouveaux.

Quoi qu'il en soit, la souveraineté dans le Nord était assurément une source de préoccupations à l'époque. En 1887, le géologue George Dawson (figure 1) – plus tard une figure clé des discussions relatives à la souveraineté – fait valoir que l'attribution d'un nom officiel à la région de la rivière Yukon et la délimitation de ses frontières pourraient servir à la distinguer clairement de l'Alaska dans l'esprit du public (doc. 43). Une logique analogue a peut-être été appliquée au Nord tout entier. La mesure dans laquelle le décret visait à éliminer toute possibilité de revendication des Américains à l'égard de la Terre de Grinnell devra rester matière à hypothèse.

Les problèmes relatifs aux détails du décret de 1895 resurgissent à peine quelques mois après qu'il ait été approuvé; pourtant, la production d'un nouveau décret est retardée jusqu'à la fin de 1897. En juillet 1896, les libéraux de Wilfrid Laurier prennent le pouvoir. Malgré les pressions exercées par Burgess, le ministre de l'Intérieur par intérim, Richard Scott, ne semble pas enclin à agir dans le dossier des affaires du Nord (docs 73 et 74). La rumeur circule que les libéraux entendent démanteler la Police à cheval du Nord-Ouest, de sorte que le contrôleur

⁸ Le décret a été publié dans la *Canada Gazette*, 19 October 1895, pp. 683-685.

⁹ La disparition s'est peut-être produite avant 1904, étant donné que W.F. King ne semble pas avoir eu accès au dossier au moment de la rédaction de son rapport (voir ci-dessous).

White se contente de formuler des recommandations prudentes à propos du Yukon (docs 75 et 76). Lorsque Clifford Sifton (figure 8) devient ministre de l'Intérieur, l'une de ses premières décisions est de destituer Burgess de son poste de sous-ministre et de le remplacer par l'un de ses propres acolytes, James Smart. Sifton ne tarde pas à manifester un vif intérêt à l'égard du Yukon, mais les autres enjeux relatifs au Nord attirent son attention seulement quelques années plus tard (voir ci-dessous).

En 1896 et en 1897, George Dawson – qui est alors directeur de la Commission géologique du Canada (CGC) – se fait connaître comme un fervent défenseur du déploiement d'initiatives dans le Grand Nord. Le ministre de la Marine et des Pêcheries, Louis Davies, répond aux préoccupations de Dawson relatives aux pêcheurs de baleines américains dans la baie d'Hudson et mandate la première expédition d'affirmation de la souveraineté du Canada dans le Nord. L'objectif principal de celle-ci est d'évaluer la navigabilité du détroit d'Hudson, mais les ordres donnés au chef, William Wakeham, stipulent clairement que « le fait que tous les territoires soient indubitablement nôtres doit devenir visible de tous », des étrangers et des Inuits (doc. 77).

Dawson laisse aussi entendre à Davies qu'il faut recourir au soutien de la Marine royale pour effectuer des patrouilles régulières dans les îles nordiques (doc. 79). Davies, alors à Londres, transmet la suggestion au ministère des Colonies qui, en retour, communique avec l'Amirauté. Les responsables de l'Amirauté, même s'ils n'ont que faire de cette proposition, ressortent tout de même leurs vieux dossiers des années 1870 et produisent une note sur la question de la souveraineté. Grâce à une copie de cette note, le projet de frontières de 1879 se rend enfin à Ottawa (docs 80 et 84). Il est ensuite acheminé à Dawson en vue d'obtenir ses commentaires (doc. 86).

Dawson balaie alors immédiatement du revers de la main la suggestion de l'Amirauté voulant que la Terre de Grinnell ne puisse être revendiquée pour le Canada, probablement en raison du délai qui s'était écoulé depuis les découvertes des Américains, sans que Washington ne fasse de déclaration de souveraineté. Toutefois, il est visiblement frappé par un autre aspect de la proposition de 1879 de l'Amirauté, à savoir que le 141^e méridien ouest devrait former la frontière ouest, au nord du continent (voir carte 3). La même frontière avait été proposée dans l'adresse conjointe de 1878 de la Chambre des communes et du Sénat à la reine Victoria (doc. 24)¹⁰. Cette adresse demandait formellement un nouveau transfert de territoire, demande sur laquelle s'était récemment penché Dawson.

Rapidement, Dawson et l'arpenteur général Édouard Deville (figure 5) reçoivent le feu vert de Sifton pour rédiger un nouveau décret du Conseil. Deville avait déjà conclu que « toute tentative visant à définir plus précisément les frontières et l'étendue du [district de Franklin] fixera incidemment les limites du

¹⁰ Aucun document sur l'évolution de cette adresse n'a été trouvé; ils ont probablement été détruits lors de l'incendie à l'édifice du Centre en 1916.

Canada, et empêchera toute revendication qui pourrait être déposée subsequemment pour tout territoire situé à l'extérieur de ces limites » (doc. 68). La carte accompagnant le nouveau décret (voir carte 5) montre la revendication du Canada située entre le 141^e méridien à l'ouest et une ligne à mi-parcours entre l'archipel et le Groenland à l'est. Au nord du Groenland, la frontière suit le 60^e méridien ouest vers le pôle Nord. Toutefois, le pôle lui-même n'est pas indiqué sur la carte, de sorte que la limite extrême nord du district de Franklin reste non définie. Tant à l'ouest qu'au nord des îles connues, il reste de vastes espaces vierges à l'intérieur des nouvelles frontières. Ces principes sont présentés au Conseil en décembre 1897 et sont approuvés.

Hormis l'extrémité du pôle, tous les éléments essentiels de la revendication sectorielle du Canada sont présents dans le décret de 1897 (doc. 87). L'adresse conjointe de 1878 et la carte de l'Amirauté de 1879 doivent par conséquent être considérées comme les premières sources de la théorie des secteurs; cependant, il existait une autre source. En 1893, Dawson avait été l'un des représentants canadiens à l'arbitrage concernant la mer de Bering à Paris. Pour les besoins de l'application des restrictions à la chasse pélagique du phoque, les États-Unis avaient revendiqué le fait que la ligne limitrophe établie par son traité de 1867 avec la Russie constituait une frontière maritime. Le traité précisait que la frontière devait traverser le détroit de Bering et suivre la ligne du méridien entre les îles Krusenstern et Ratmanoff (Grande Diomède et Petite Diomède), « remont[ant] en ligne directe, sans limitation, vers le Nord, jusqu'à ce qu'elle se perde » dans l'océan Arctique¹. L'argument canadien et britannique retenu était que « les limites géographiques avaient pu être projetées vers le nord uniquement dans le but de définir le droit de propriété sur ces îles, le cas échéant, qui auraient pu être découvertes par la suite dans cet océan imparfaitement exploré »². De toute évidence, en 1897, Dawson se rappelle cette interprétation. Dawson et Deville utilisent ensuite les méridiens pour définir la zone de l'océan nordique « imparfaitement exploré » à l'intérieur de laquelle le Canada avait présenté des revendications visant toutes les îles, connues et inconnues. La projection indéfinie des deux lignes frontalières vers le nord est aussi compatible avec le modèle fourni par le traité de 1867.

¹ Ce décret a aussi été publié dans la *Canada Gazette*, 14 May 1898, p. 2650 (version française).

² "Treaty concerning the Cession of the Russian Possessions in North America by his Majesty the Emperor of all the Russias to the United States of America," *Statutes at Large, Treaties, and Proclamations of the United States of America*, vol. 15 (Boston: Little, Brown, 1869), pp. 839-844. Voir aussi: United States, State Department, Office of the Geographer, Bureau of Intelligence and Research, *International Boundary Study No. 14 U.S.-Russia Convention Line of 1867* (1968).

³ United Kingdom, Parliamentary Papers, Command Papers, C. 6918, *Behring Sea Arbitration Case Presented on the Part of the Government of Her Britannic Majesty* (London: Her Majesty's Stationery Office, 1893), pp. 98-99. La publication de 1965 du département d'État américain citée ci-dessus souscrit à cette interprétation. Toutefois, elle demande que la ligne ne soit jamais représentée sur les cartes américaines comme se prolongeant au-delà du 72^e de latitude N., car les États-Unis n'acceptent pas la théorie des secteurs, malgré la mention « sans limitation ».

À la fin de 1897, le Canada avait pris des mesures importantes pour affirmer sa souveraineté dans le Nord. Il occupe activement l'Arctique occidental et y mène des activités administratives; une expédition officielle a été envoyée en Arctique oriental, et le nouveau décret du Conseil avise les autres gouvernements du secteur que le Canada le considère comme sien. Cependant, il reste encore beaucoup à accomplir au chapitre de l'occupation effective avant que la revendication canadienne ne puisse être reconnue à l'échelle internationale.

Deuxième partie : 1898 à 1918

De 1898 à la fin de la Première Guerre mondiale, le Canada mandate sept expéditions dans le Nord, toutes motivées par des intérêts relatifs à la souveraineté. Les expéditions polaires mandatées par l'État étaient devenues une rareté vers la fin du XIX^e siècle, mais les questions relatives à la souveraineté ont contribué à les raviver. Tout compte fait, le Canada accuse alors un retard en ce qui concerne l'exploration de l'Arctique, mais il mandatera quelques-unes des premières expéditions officielles du XX^e siècle.

Trois des expéditions canadiennes sont confiées à des responsables gouvernementaux, A.P. Low (figure 10) de la CGC et Charles Constantine et J.D. Moodie (figure 11) de la Gendarmerie à cheval du Nord-Ouest. Les quatre autres sont dirigés par des hommes dont l'aspiration première est l'exploration. Joseph Bernier (figure 9) et Vilhjalmur Stefansson (figure 17), qui réussiront fort bien à porter à l'attention du public les revendications du Canada dans le Nord, sont des personnages fort controversés. Puisqu'ils auront maille à partir avec le personnel gouvernemental, le gouvernement ne reprendra jamais la pratique de recrutement d'explorateurs externes. Ainsi, les activités gouvernementales ultérieures dans le Grand Nord seront plus ordonnées et uniformes, mais moins publicisées.

Cette période s'amorce par un appel au premier ministre Laurier de la part du flamboyant et ambitieux Bernier qui désire obtenir une aide gouvernementale pour l'expédition qu'il prévoit effectuer jusqu'au pôle Nord (doc. 88; voir aussi docs 95, 96, 97 et 98). Cependant, la route proposée par Bernier est tracée à l'extérieur du secteur canadien, de sorte que sa proposition ne suscite que peu d'intérêt chez Laurier ou chez Dawson, à qui la demande est renvoyée. Bernier prétend ultérieurement qu'il a tenté, en vain, de porter le problème de la souveraineté à l'attention du gouvernement, alors que dans les faits, ses plans d'expédition au pôle Nord n'avaient absolument aucun lien avec la souveraineté dans le Nord. Bernier y voyait plutôt une occasion de gloire personnelle et pour le Canada. Les questions relatives à la souveraineté dans le Nord cheminent graduellement jusqu'à l'avant-plan des préoccupations du gouvernement, à la suite d'avertissements provenant de diverses sources au sujet de cas de violation des lois douanières et sur les boissons alcoolisées par des pêcheurs de baleines américains dans l'Arctique occidental (docs 91, 92, 93, 94, 99 et 100) et de la chasse excessive du bœuf musqué par les Américains dans l'Arctique oriental (docs 101 et 103).

Le contrôleur White est alors un puissant promoteur de l'action dans le Nord (voir doc. 99). À la fin de 1902, Sifton en vient à partager et même à dépasser son zèle (doc. 105). Cependant, White commence rapidement à se sentir irrité par les directives impérieuses de Sifton, notamment parce que celui-ci n'est pas le ministre ayant autorité officielle sur la Gendarmerie à cheval du Nord-Ouest¹⁴. D'autres difficultés émergent à la suite de l'intervention du ministère de la Marine et des Pêcheries qui s'était forgé une réputation notoire de favoritisme et de corruption. White se sent poussé à prendre des mesures hâtives et croit que la police sera tenue responsable des piètres résultats éventuels des plans formulés par les autres ministères. En dépit des différends bureaucratiques subséquents, deux expéditions sont mandatées en 1903, et des postes sont établis à Fort McPherson, sur l'île Herschel et à Cap Fullerton.

Un autre résultat important de l'intérêt que porte Sifton à l'Arctique est le rapport sur la souveraineté rédigé par W.F. King (voir docs 128 et 138). Celui-ci représente la première tentative détaillée d'un fonctionnaire canadien d'examiner la question du titre du Canada sur l'archipel dans ses menus détails. Il est loin d'être parfait : Dawson était décédé en 1901, et à défaut de pouvoir tirer profit de ses connaissances pour se documenter, King semble parfois avoir eu de la difficulté à comprendre le comment et le pourquoi de la situation. Quoi qu'il en soit, son rapport conclut avec justesse que même si la souveraineté du Canada n'est pas clairement établie à certains égards, de toute évidence, l'exercice de la compétence gouvernementale dans le Nord est la façon de la renforcer¹⁵.

Le géographe du ministère de l'Intérieur, James White (figure 15), produit les cartes qui accompagnent le rapport de King. Autrefois membre de la CGC, White travaille en étroite collaboration avec Dawson et Deville et, visiblement, il élabore la théorie des secteurs avec beaucoup d'intérêt. La découverte de nouvelles îles dans l'archipel par l'explorateur norvégien Otto Sverdrup, lors de son expédition de 1898 à 1902, semble avoir causé peu, sinon aucune inquiétude chez les politiciens canadiens; mais White comprend rapidement les conséquences éventuelles touchant la question de la souveraineté.

Le décret du Conseil de 1897 sollicitait une loi pour approuver les frontières qu'il établissait. Cependant, en 1898, le nouveau ministre de la Justice de l'époque, David Mills, avait conclu qu'une loi en ce sens n'était pas nécessaire de sorte qu'aucune en ce sens ne fut jamais adoptée (docs 89 et 90). Ainsi, White s'inquiète du risque que les frontières ne soient pas valables¹⁶, car cela viendrait museler le Canada dans toute contestation de toute revendication ultérieure de la Suède-Norvège (ou après la séparation des deux pays en 1905, par la nouvelle Norvège indépendante) fondée sur les découvertes de Sverdrup. Bien qu'il ait

¹⁴ Note de Lord Minto, 20 October 1902, BAC, MG 27 II B-1, vol. 2.

¹⁵ W.F. King, *Report upon the Title of Canada to the Islands North of the Mainland of Canada* (Ottawa: Government Printing Bureau, 1905), p. 8.

¹⁶ White, "Place Names in Northern Canada," *Transactions of the Royal Society of Canada*, 3rd ser., vol. 4 (1910), sec. 4, p. 37n.

toujours été fortement en faveur d'activités d'occupation et d'administration dans le secteur (voir doc. 315), White sait également que les revendications sur papier pourraient avoir un effet si d'autres pays ne les contestent pas. Il choisit donc les cartes officielles pour réaffirmer les frontières de 1897.

Les cartes que White prépare pour le rapport King montrent non seulement les limites du secteur, mais les prolongent jusqu'au pôle, ajoutant ainsi ce qui est généralement considéré comme l'élément le plus caractéristique de la théorie des secteurs¹⁷. White pose aussi d'autres gestes pour prévenir le coup, advenant une revendication étrangère. En tant que membre de la Commission de géographie du Canada,¹⁸ en 1905, il prend les dispositions nécessaires pour l'appellation officielle des nouvelles îles Sverdrup¹⁹. La même année, il recommande au ministre de la Justice, Charles Fitzpatrick, de définir la revendication canadienne au moyen d'une loi du Parlement (doc. 156). Les démarches de White en faveur d'une revendication visant un secteur qui s'étendait jusqu'au pôle remontent donc bien avant le fameux discours de 1907 du sénateur Pascal Poirier²⁰. Ainsi, la croyance répandue chez les historiens que Poirier est l'auteur de la théorie des secteurs doit être réfutée.

Le premier ministre Laurier est convaincu qu'il est nécessaire d'augmenter l'occupation du territoire avant qu'une revendication territoriale générale ne puisse être déposée (docs 121 et 157). En 1904, donnant suite aux recommandations de Moodie, Laurier approuve l'établissement de deux nouveaux postes pour la prochaine expédition du gouvernement. L'un doit être établi à Cap Wolstenholme, dans la péninsule d'Ungava, et l'autre à l'île de Baffin (doc. 146). Bernier avait été recruté pour assurer le commandement de l'expédition, mais il s'est rapidement avéré que ses véritables intentions étaient plutôt de frayer son chemin jusqu'au pôle Nord, si possible. Le commandement est donc confié à Moodie. Pour différentes raisons, y compris l'arrivée tardive du navire de secours, un seul poste est établi, à Churchill, au cours de cette expédition (voir doc. 155n).

Alors que l'expédition va bon train dans le Nord, Frederick White et le sous-ministre de la Marine et des Pêcheries, François Gourdeau, conviennent (doc. 149) qu'il doit y avoir division officielle des responsabilités entre la Royale Gendarmerie à cheval du Nord-Ouest (RGCNO), nouvellement rebaptisée, et le ministère de la Marine. L'entente énonce les responsabilités exclusives de la Gendarmerie sur terre et de la Marine et des Pêcheries sur l'eau.

¹⁷ Même si le rapport King était destiné exclusivement à l'usage gouvernemental interne, au moins l'une des cartes semble avoir été rendue accessible au public. La carte publique des divisions territoriales du Canada dans l'*Atlas du Canada* de 1906 de White montrait les lignes de secteurs de 1897; mais étant donné que la carte n'incluait pas le pôle, les secteurs ne se prolongeaient pas jusqu'à celui-ci. Les lignes figurent aussi dans l'édition de 1915 de l'*Atlas du Canada*, sans le pôle Nord.

¹⁸ Aujourd'hui la Commission de toponymie du Canada.

¹⁹ Voir BAC, RG 21, vol. 153, dossier 41, et *Sixième rapport annuel de la Commission de géographie du Canada, contenant toutes les décisions jusqu'au 30 juin 1906*. Documents de la Session, 1907, vol. 41-9, n° 21a, p. 14, 51.

²⁰ Voir Canada, *Sénat, Débats*, 10^e législature, 3^e session, p. 284-294.

Plus tard la même année, les provinces de l'Alberta et de la Saskatchewan sont créées à partir de la partie plus au sud des T. N.-O. Le reste du territoire, ainsi que le district de Keewatin et les territoires transférés en 1880, continuent d'être désignés sous l'appellation T. N.-O. Cependant, avec l'abolition de l'assemblée territoriale élue de Regina, les nouveaux T. N.-O. se retrouvent sans gouvernement autonome – en fait, sans aucune structure administrative sauf celle assurée par la RGCNO. Frederick White est donc nommé commissaire. Au départ, il espère être « capable de mener à bien [ses] propres plans » (doc. 158). Cependant, en qualité de commissaire, White est aussi assujéti aux ordres du nouveau ministre de l'Intérieur, Frank Oliver, qui est souvent en désaccord avec ses propositions. D'une façon générale, White constate que le gouvernement est réticent à appuyer l'établissement d'une structure administrative²¹. Les provinces de l'Ontario, du Québec et du Manitoba sont toutes prêtes pour une expansion vers le Nord (leurs limites nordiques actuelles ont été établies en 1912), et il est fort possible que pour Laurier, les efforts administratifs du gouvernement fédéral dans les territoires, qui devaient tôt ou tard relever de nouveau de la compétence provinciale, ne sont qu'une perte de temps.

Pendant ce temps, le ministère de la Marine et des Pêcheries entreprend des patrouilles maritimes dans le nord sous le commandement de Bernier. En juillet 1906, l'Acte des pêcheries est modifiée pour prévoir la récupération des permis de pêche à la baleine dans la baie d'Hudson (dont l'ensemble avait été déclaré comme faisant partie des eaux territoriales canadiennes) et dans l'archipel. Malheureusement, presque aucun document sur l'évolution de cette nouvelle politique n'a pu être retracé. La documentation sur ses conséquences est toutefois abondante dans les dossiers britanniques. La déclaration de souveraineté inattendue du Canada sur la baie d'Hudson déclenche de nombreux échanges animés entre le ministère des Colonies et le Foreign Office. Ce dernier, craignant une contestation de la part des Américains, demande avec insistance la révocation de la nouvelle loi, alors que le ministère des Colonies se porte à la défense de l'action du Canada. Au final, il n'y aura aucune contestation et la modification n'est pas révoquée.

En ce qui a trait à la position juridique du Canada, l'application du nouveau règlement sur la pêche aux baleines représente de loin la plus importante réalisation des expéditions de Bernier. En revanche, Bernier lui-même ne le voit pas de cet œil. Même si aucun autre pays n'a contesté le transfert de 1880, Bernier demande le pouvoir de formuler de nouvelles proclamations de souveraineté sur les îles découvertes par les explorateurs britanniques. Il réussit à faire changer les ordres pour son expédition de 1906-1907 afin de réaliser cet objectif (voir docs 159, 160 et 165 et figure 16). Il formule aussi une revendication non

²¹ Les frustrations de White sont documentées dans ses copies-lettres de T. N.-O., BAC, RG 18, vol. 879.

autorisée visant les îles Sverdrup (voir doc. 179)²². Ce processus culmine par la fameuse déclaration de souveraineté de Bernier sur le secteur canadien tout entier, prononcée à l'île Melville en juillet 1909 (voir doc. 191). Bien que les preuves étayant ces assertions soient quasi inexistantes, il semble que Bernier ait découvert la théorie des secteurs de White et, ignorant la préférence du premier ministre d'accorder la priorité à l'occupation, il a décidé de son propre chef de proclamer la souveraineté en 1909.

Il est clair que le ministère de la Marine et des Pêcheries ne réussit pas à maîtriser Bernier. Néanmoins, Laurier est moins froissé par la déclaration de 1909 que c'eût été le cas si Robert Peary n'avait pas prétendu avoir atteint le pôle en avril 1909. Peary affirmait qu'il avait pris possession du pôle et de la région qui l'entourait pour les États-Unis; mais l'on ne savait pas clairement jusqu'où s'étendait cette revendication vers le sud. En réponse, le premier ministre félicite publiquement l'action de Bernier²³, et répond à une requête britannique en déclarant que le Canada revendique l'ensemble du territoire entre la frontière canado-américaine et le pôle (doc. 193). Il s'avère rapidement que les États-Unis n'ont aucune intention d'appuyer la revendication de Peary. Lorsque Peary informe le président William Howard Taft que le pôle est à sa disposition, celui-ci répond : « Je ne saurais quoi en faire de toute façon²⁴ ». Plus tard, l'ambassadeur américain à Londres, Whitelaw Reid, affirme dans un discours que le Canada est libre d'occuper l'archipel²⁵.

Laurier retire son appui à la déclaration de Bernier, et même le sénateur Poirier reconnaît que la levée d'un drapeau sans occupation ne représente rien en droit international²⁶. En 1910, Laurier demande à l'avocat et ancien ministre du Cabinet conservateur James Colebrooke Patterson de se pencher sur la question de la souveraineté²⁷. Dans l'attente de son rapport, le gouvernement ne semble pas enclin à faire quoi que ce soit, sinon que de poursuivre ses patrouilles maritimes dans le Nord. Les ordres de Bernier pour son voyage de 1910-1911 ne font aucune référence explicite à quelque question de souveraineté que ce soit, mais on l'enjoint d'étendre sa patrouille le plus loin possible à l'ouest²⁸.

²² Cette revendication était essentiellement une revendication de secteur, étant donné qu'elle s'étendait de l'endroit où les hommes de Bernier avaient posé pied sur la côte sud de l'île d'Ellesmere jusqu'au pôle Nord.

²³ Voir les commentaires de Laurier dans Bernier, "Canadian Rights in the Arctic," dans G.H. Brown, ed., *Addresses Delivered before the Canadian Club of Ottawa*, Ottawa, Mortimer Press, 1909, p. 191-192.

²⁴ Peary to Taft, 8 September 1909, et Taft to Peary, même date, LC, Taft Papers, series 5. Le télégramme de Taft a été diffusé à la presse; voir "Taft Has Faith in Peary," *New York Times*, 9 September 1909, p. 2.

²⁵ "American Thanksgiving Day," *The Times*, 26 November 1909, p. 14.

²⁶ Le 1^{er} février 1910, Poirier a prononcé un discours sur l'Arctique sans mentionner une fois la théorie des secteurs. Voir Canada, *Sénat, Débats*, 11^e législature, 2^e session, p. 197-203.

²⁷ Décret du Conseil 1910-1170, 6 juin 1910, BAC, RG 2, vol. 995.

²⁸ Alexander Johnston, instructions à J.E. Bernier, 5 July 1910, dans W.W. Stumbles, comp., *Report on the Dominion Government Expedition to the Northern Waters and Arctic Archipelago of the D.G.S. « Arctic » in 1910* [Ottawa: King's Printer, 1911].

En 1909, James White démissionne de son poste de géographe en chef et décide plutôt de consacrer son énergie à la cause de la conservation de la faune. Sans White pour faire avancer le dossier, les cartes officielles n'illustrent plus les secteurs jusqu'au pôle. La nomination de Patterson est renouvelée en 1911 et les années suivantes⁵⁶, mais les résultats de ses recherches restent un mystère. Au moment où prend fin l'ère Laurier à la suite de la victoire électorale de Robert Borden, en septembre 1911, l'Arctique n'est plus une préoccupation urgente. L'industrie de la pêche à la baleine dans le Nord connaît un important ralentissement, alors que les relations avec les États-Unis sont excellentes, ne laissant aucune place aux craintes que les Américains puissent représenter une menace. Le nouveau premier ministre met un terme aux expéditions de Bernier.

Or, moins de deux ans après l'élection de Borden, un autre explorateur ambitieux sollicite l'aide du Canada. En effet, Vilhjalmur Stefánsson aspire à découvrir le « continent arctique » qu'il trouverait, selon certains théoriciens, à l'ouest des îles Parry⁵⁷. Lors d'une visite à Ottawa, en février 1913, il signifie au premier ministre que si le Canada participe à son expédition, il hissera le drapeau canadien sur la nouvelle terre. En revanche, s'il obtient uniquement du financement des Américains, il n'aura d'autre choix que de hisser le drapeau américain. Borden décide donc que le Canada assumera la totalité des frais rattachés à l'expédition, et les appuis américains de Stefánsson se retirent (doc. 201). Des plans sont élaborés pour mener à bien des recherches scientifiques d'envergure, dont une grande partie doit être effectuée par des membres de la CGC (voir doc. 205). Au cours de l'expédition, l'attitude cavalière de Stefánsson à l'égard des ordres officiels et ses habitudes dépensières des fonds gouvernementaux suscitent de l'animosité entre le chef et les scientifiques.

Stefánsson n'a pas insisté sur le fait que la terre inconnue risquait de se trouver à l'ouest du 141^e méridien, et les responsables canadiens ont l'impression que toutes ces explorations seront effectuées directement au nord de la partie continentale du Canada (voir docs 199 et 200). Même si la théorie des secteurs n'avait jamais reçu de reconnaissance officielle, Ottawa semble avoir tenu pour acquis que le Canada ne revendiquerait aucune nouvelle terre au-delà des limites des secteurs telles qu'elles étaient définies en 1897. Il s'avère que les découvertes de Stefánsson se trouvent bien à l'est du 141^e méridien. Toutefois, le navire d'expédition, le *Karluk*, reste coincé dans les glaces, dérive sur une longue distance vers l'ouest avant de couler près de l'île Wrangel sur les côtes de la Sibérie. Les survivants passent plusieurs mois sur l'île Wrangel, d'où ils ont parfois l'impression d'apercevoir la terre au nord. Lorsque Stefánsson est informé de cette nouvelle, il organise une expédition sur les glaces jusqu'à Wrangel – un

⁵⁶ Décrets du Conseil 1901-029, 8^e mai 1910, 1912, 1833, 1^{er} juin 1912, 1913, 390, 10 juin 1913. BAC, RG 2, vols 1012, 1039 et 1065.

⁵⁷ Pour connaître l'origine de cette théorie, voir R.A. Harris, "Theories of Land near the North Pole", *Journal of the United States Arctic Council*, 1962 (Washington, DC: Government Printing Office, 1905), pp. 397-406.

plan qui horrifie tout simplement les responsables à Ottawa (doc. 209). Mais Stefansson ne peut prendre le large en raison d'une grave maladie. Il retourne au sud à la fin de 1918, déterminé à obtenir plus d'aide gouvernementale pour organiser une nouvelle expédition. La détermination de Stefansson pour revendiquer l'île Wrangel et le supposé continent au nord de celle-ci aura des conséquences importantes pour la politique canadienne à venir. Toutefois, les effets ultimes de sa proposition auront eu l'effet contraire de ce qu'il espérait.

Troisième partie : 1919 à 1924

La période entre la fin de l'expédition canadienne de Stefansson dans l'Arctique et 1924, où les propositions en faveur d'une revendication canadienne visant l'île Wrangel sont finalement rejetées, est source de changements beaucoup plus importants que toute autre période comparable. En 1919, il n'y a toujours pas d'organisme gouvernemental responsable du Nord, et très peu de fonctionnaires sont au fait des enjeux relatifs à la souveraineté. La politique nordique du Canada est encore mal définie et il n'y a aucun plan pour assurer une présence permanente dans l'archipel. En 1924, non seulement de nombreux bureaucrates talentueux sont concentrés sur l'Arctique, mais on met aussi en place des patrouilles annuelles et des postes dans le Nord. Certes, l'occupation effective était l'objectif principal, mais une version de la théorie des secteurs fondée sur les facteurs pragmatiques robustes commence à gagner du terrain. En outre, les délibérations politiques canadiennes ont commencé à subir l'influence de la correspondance diplomatique que l'on entretient avec d'autres pays. Ainsi, les bureaucrates d'Ottawa acquièrent rapidement de nouvelles connaissances sur les aspects théoriques et pratiques du droit international.

La première mesure que prend Stefansson à son retour est de suggérer des plans favorisant le développement économique du Nord. Plus particulièrement, il défend l'idée de la domestication du bœuf musqué. Ce projet est source d'un effort de collecte d'information sur les activités des chasseurs provenant du nord-ouest du Groenland sur l'île Ellesmere. À défaut de disposer d'une structure administrative dans les T. N.-O., la responsabilité relative à l'application des lois sur le gibier est dévolue au commissaire des Pares fédéraux, J.B. Harkin. Celui-ci détermine immédiatement qu'il faut mettre en garde le gouvernement du Danemark contre ces empiètements en territoire canadien (doc. 210). Stefansson profite de quelques déclarations obscures dans la réponse des Danois pour convaincre Harkin et d'autres que l'explorateur danois Knud Rasmussen a l'intention d'envahir l'archipel, de le coloniser avec les habitants du Groenland puis de le revendiquer pour son pays sur la base de l'occupation (docs 215, 216 et 217).

Stefansson espérait que la panique relative à la souveraineté qui s'ensuivrait donnerait lieu à une autre expédition sous sa direction, qui pourrait être détournée vers la mer de Beaufort, puis vers l'île Wrangel et la région non explorée au nord de celle-ci. Au contraire, la nouvelle expédition de Stefansson et un voyage prévu dans le but d'établir un poste de police sur l'île d'Ellesmere sont annulés par le gouvernement du premier ministre Arthur Meighen (doc. 252). Lorsqu'un

nouveau premier ministre élu, William Lyon Mackenzie King. Stefánsson tente de nouveau de faire accepter son projet. Même si King semble plus à l'écoute de la proposition que ne l'avait Meighen, de nouveau, les espoirs de Stefánsson sont tristes. Entre-temps, en 1922, le gouvernement King convient d'envoyer des premières patrouilles annuelles de l'Arctique oriental (doc. 225).

Plusieurs raisons expliquent l'échec de Stefánsson à mener à bien son plan et le long délai qui s'est écoulé avant que le gouvernement ne rende une décision finale. Au départ, il n'existait aucune entité possédant les connaissances spécialisées requises pour examiner les propositions de Stefánsson. Lordie Christie, le conseiller juridique auprès du ministère des Affaires extérieures, avait été consulté, mais il n'avait ni le temps ni les ressources humaines pour assumer toute responsabilité d'envergure. En 1919, le sous-ministre de l'Intérieur, W.W. Cory, est nommé en tant que nouveau commissaire des T.N.O. Malgré l'expérience acquise au Yukon, il en connaît peu sur le Nord, et aucun conseil consultatif n'est nommé pour lui venir en aide.

La menace présagée des Danois et le plan de Stefánsson relatif à l'île Wrangel sont donc renvoyés au Conseil consultatif technique (CCT), un comité composé de chefs de différents secteurs du ministère de l'Intérieur. Son mandat consiste à examiner les questions plus techniques soulevées au Ministère, par exemple l'achat d'équipement scientifique spécialisé.⁷ Certains membres du conseil entretiennent des intérêts à l'égard de l'Arctique, le plus connu d'entre eux étant le président Édouard Deville, qui avait travaillé avec Dawson pour définir les frontières de 1897. Lors d'une réunion spéciale du CCT le 1^{er} octobre 1920 (doc. 222), Stefánsson fait valoir ses arguments et remet en cause la validité de la limite ouest du secteur, mais il ne fait que susciter du scepticisme de la part de Deville et d'autres. Toutefois, Harkin défend avec ardeur la cause de Stefánsson et en décembre 1920, le CCT est écarté.

Au printemps 1921, Christie amorçe ses recherches sur la présumée menace danoise par le biais des voies diplomatiques. Les réponses obtenues ainsi que d'autres documents reçus de Londres en mai 1921 convainquent Meighen et ses ministres qu'il n'existe aucun plan danois (doc. 252n). En juin, Rasmussen et le ministre danois à Londres, Henrik Grevenkop-Castenskjold, fournissent des assurances cécies que l'expédition danoise prévue dans l'Arctique canadien vise exclusivement des fins scientifiques (docs 256 et 261).

Avant que Stefánsson ne renouvelle sa campagne sur Wrangel en mars 1922, il y avait eu un changement majeur dans l'administration du Nord par le Canada. La découverte de pétrole à proximité de Fort Norman, en 1920, avait précipité la mise sur pied d'un Conseil des Territoires du Nord-Ouest (CTNO) et la création, d'un Secteur des Territoires du Nord-Ouest – après 1923, appelé le Secteur des Territoires du Nord-Ouest et du Yukon (STNOY) – au ministère de l'Intérieur. Le CTNO s'est rarement réuni et a peu accompli avant la fin des années 1920.

⁷ Voir BAC, RG 88, vol. 222, dossier 2220.

cependant, le nouveau secteur, sous la direction d'Oswald Sterling Finnie (figure 21), devient rapidement une force à prendre au sérieux. Finnie passe la plus grande partie de l'année 1921 dans les T. N.-O., mais en janvier 1922, il commence à s'intéresser à la question de la souveraineté (doc. 267). De concert avec John Davidson Craig (figure 22), il insiste fortement pour reprendre le plan d'établir des postes de police dans les îles nordiques. Joseph Bernier est embauché de nouveau, mais seulement à titre de capitaine du navire-patrouille, un poste qu'il occupera jusqu'en 1925. Le commandement des patrouilles de 1922 et de 1923 est confié à Craig; ses successeurs seront d'autres responsables du ministère de l'Intérieur.

À l'instar de la proposition visant l'île Wrangel, Finnie et Craig ne voient pas le bien-fondé des propositions de Stefánsson. Ils estiment que les revendications visant un territoire à l'extérieur du secteur canadien ne feraient que mettre en péril la souveraineté du Canada sur ses propres îles dans le Nord. Craig l'explique d'ailleurs en ces mots : « Si le Canada est fondé de franchir des milliers de kilomètres à l'extérieur de ses frontières et de revendiquer l'île Wrangell, il me semble que les États-Unis peuvent être tout aussi fondés de traverser leurs frontières et de revendiquer une ou plusieurs de nos îles nordiques » (doc. 276). Craig et Finnie estiment que, bien que la possession de l'archipel tout entier soit dans l'intérêt national du Canada, il en est autrement pour ce qui est d'entrer en conflit avec la Russie sur la souveraineté de l'île Wrangel. Ainsi, le principe des secteurs les ramène à des considérations pratiques. En 1922, James White devient conseiller auprès du ministre de la Justice sur les questions frontalières et à ce titre, il participe de nouveau aux discussions relatives à la souveraineté. Pendant ce temps, White travaille en coulisse pour discréditer les plans de Stefánsson visant l'île Wrangel — une entreprise qui sera couronnée de succès. Quelque part en 1923, White contacte Finnie et Craig et au début de 1925, il devient parmi les premières personnes auxquels ils s'adressent pour obtenir des conseils.

À l'été de 1924, suivant les conseils de Finnie, Ottawa décide finalement que le Canada ne déposera aucune revendication à l'égard de l'île Wrangel (docs 321 et 325). Il faut dire qu'à l'époque, quatre postes de la Royale gendarmerie à cheval du Canada (RGCC) avaient été établis dans l'archipel : deux sur l'île de Baffin, un sur l'île Ellesmere et un sur l'île Devon. Finnie et Craig sont convaincus qu'il est impératif d'exécuter un programme d'occupation sur une base continue, qui sera élargie année après année. Le commissaire de la RGCC, Cortlandt Starnes, est réticent à ce qu'un plus grand nombre de ses hommes soient postés dans des îles non habitées au nord du détroit de Lancaster. Starnes est plutôt en faveur de l'établissement d'autres postes sur l'île de Baffin afin que la police puisse surveiller les interactions entre les commerçants Blancs et les Inuits. Toutefois, Finnie et Craig sont déterminés à assurer une présence canadienne accrue dans l'Extrême-Arctique, et ils sont aussi au fait du besoin de surveiller et de réglementer l'exploration étrangère dans ces régions (doc. 335). Suivant des renseignements voulant que l'Américain Donald MacMillan ait violé les lois

canadiennes relatives au projet au cours de son expédition de 1923. En 1928, ils décident de prendre les mesures nécessaires pour qu'il n'y ait plus d'autres violations (doc. 329).

Quatrième partie : 1925 à 1928

Au début de 1925, un nombre sans précédent d'explorateurs étrangers planifient des expéditions dans l'Arctique canadien, certains d'entre eux prévoyant s'y rendre en avion en quête de l'insaisissable continent nordique. Parallèlement, la Norvège dépose la première d'une série de requêtes sur le fondement de la revendication du Canada à l'égard des îles Sverdrup (doc. 339). Le communiqué de la Norvège est expédié au ministère des Affaires extérieures, mais le sous-secrétaire, Sir Joseph Pope, est sur le point de prendre sa retraite et son successeur, O.D. Skelton, n'a pas encore amorcé son mandat. La requête norvégienne est donc adressée à Finnie, qui s'en remet à Joseph Bernier et à James White.

Comme on pouvait s'y attendre, Bernier propose une proclamation (doc. 342). Pour sa part, White produit un mémoire détaillé dans lequel les actions de Sverdrup – pour autant qu'elles fussent connues grâce au récit qu'il a publié – sont racontées en détail, et les revendications concurrentes de la Norvège et du Canada sont examinées du point de vue juridique (doc. 343). White y souligne aussi l'absence de toute revendication officielle de la Norvège, ou de toute autre activité supplémentaire dans les îles Sverdrup. En ce qui concerne la présence du Canada dans les îles Sverdrup, Stefánsson effectue une seule visite lors de l'expédition canadienne dans l'Arctique. Mais du point de vue de White, l'archipel doit être perçu comme une même entité géographique. En traçant les lignes des secteurs, le Canada revendique toutes les îles et amorce un processus qui mènera à l'occupation effective dans l'ensemble de l'archipel. White répond aussi à la question de savoir ce qui constitue une occupation effective des régions polaires, faisant valoir de façon convaincante que la norme utilisée dans la zone tempérée ne peut être appliquée dans l'Arctique. Ce mémoire consolide la place de White comme l'un des meilleurs conseillers de Finnie et, comme il s'est avéré, fournit le cadre de la nouvelle politique du Canada dans l'Arctique.

En avril 1925, Finnie se rejoint de l'intérêt démontré par le nouveau sous-secrétaire d'État aux Affaires extérieures, O.D. Skelton, à l'égard de la souveraineté dans l'Arctique. Le ministre de l'Intérieur, Charles Stewart (figure 23), est aussi en faveur des nouvelles initiatives et demande qu'on établisse clairement la politique canadienne en cette matière. Afin de répondre à cette demande, Finnie propose la mise sur pied d'un comité interministériel, ultérieurement baptisé le Conseil consultatif du Nord (CCN). Le Conseil se réunit pour la première fois le 24 avril (doc. 353). Le principal sujet à l'ordre du jour est la possible menace que représente l'expédition de MacMillan, à laquelle une unité d'aviation de la United States Navy a été ajoutée, ce qui confère à l'entreprise un caractère quasi officiel. James White décide alors d'adapter les arguments qu'il avait formulés dans son mémoire relatif aux îles Sverdrup à cette nouvelle réalité.

Sa deuxième mouture de la théorie des secteurs, qui survivra (doc. 365), stipule que le Canada revendique l'archipel tout entier sur la base de la contiguïté, tout en insistant sur l'importance de l'occupation effective. White fait valoir que les postes canadiens établis jusque-là ont été distribués de façon stratégique pour assurer un contrôle sur toutes les îles (et bien entendu, il s'attend à ce que d'autres postes soient établis dans un avenir rapproché).

La revendication sectorielle de 1925 ne se veut pas un substitut à l'occupation; au contraire, elle décrit la région jusqu'où s'étendrait éventuellement l'occupation canadienne. Ce point de vue est alors partagé par Skelton et Finnie, par le CCN, par le premier ministre King en sa qualité de secrétaire d'État aux Affaires extérieures, et enfin, par le Conseil (docs 366n et 371). Par la suite, une dépêche fondée sur le mémoire de White est expédiée à l'ambassade britannique à Washington, laquelle dépêche demande de faire des représentations auprès du département d'État américain au sujet de l'expédition de MacMillan (doc. 377). Dans la même période, le Parlement adopte une loi qui donnerait la possibilité d'obliger les explorateurs et les scientifiques étrangers à demander des permis; pour sa part, la RGCC reçoit la directive d'appliquer les lois relatives au gibier si elle rencontre l'expédition de MacMillan dans le Nord (docs 385 et 386).

Même si les États-Unis ne reconnaissent pas explicitement la souveraineté du Canada en 1925, et mettront plusieurs années avant de le faire, les documents américains internes montrent que le département d'État n'a jamais présenté de revendications américaines concurrentes à toute revendication visant les îles canadiennes. En effet, étant donné que les responsables de Washington appliquent alors la même norme relative à l'occupation dans les régions polaires que celles appliquées ailleurs, ils n'arrivent pas à déterminer avec certitude si la présence canadienne suffit à justifier une reconnaissance complète. Ils reconnaîtront tout de même à plusieurs reprises que le Canada accomplit plus dans l'Arctique que tout autre pays³² (et selon sa propre norme stricte d'occupation effective, les États-Unis ne peuvent formuler aucune revendication à l'égard de toute terre dans le secteur canadien). En plus d'être communiquée par voie officielle au département d'État par le biais de la correspondance diplomatique, la revendication canadienne est communiquée publiquement par le ministre Stewart au Parlement le 10 juin³³ et à la presse le 12 juin³⁴. Ainsi, l'absence de contestation de Washington peut être interprétée comme un consentement tacite. Sans l'appui de son gouvernement, MacMillan est obligé de demander un permis canadien en 1926 (doc. 412) et les années suivantes.

Contrairement aux Américains, bon nombre de responsables britanniques estiment que les arguments en faveur de la revendication sectorielle du Canada sont convaincants (docs 384 et 393). Sir Charles Davis, du Bureau des Dominions, remonte jusqu'à l'arbitrage de la mer de Béring, saisissant apparemment de

³² Voir les documents dans NACP, RG 59, Decimal files 1910-1929, box 7156, file 800 014.

³³ Canada, *Chambre des communes, Débats*, 14^e législature, 4^e session, vol. 168, p. 4056, 4071.

³⁴ "Canada's Claims are Explained," *New York Times*, 13 June 1925, p. 17.

manière instinctive le fondement de la nation canadienne. Lorsque l'Union soviétique présente sa propre revendication sectorielle en 1926, la Grande-Bretagne s'abstient de la contester afin de préserver à la fois la reconnaissance du Canada dans l'Arctique et ses propres revendications dans l'Antarctique (doc. 423). Pendant ce temps, le Canada continue d'intégrer encore davantage la même des secteurs à l'exercice de ses pouvoirs d'État par la création de la Réserve de gibier des îles arctiques, dont les frontières est et ouest suivent les limites du secteur jusqu'au pôle (docs 402, 415 et 417). Les autres cas d'intractions aux lois et aux règlements canadiens perpétrés par l'expédition de MacMillan et un autre explorateur américain, George Putnam, sont gérés facilement (docs 432, 433, 436, 454 et 455).

Il semble que le seul obstacle restant à la reconnaissance internationale générale de la souveraineté du Canada sur la totalité de l'archipel soit la revendication peu étavée de la Norvège. Les requêtes de la Norvège s'étaient poursuivies (docs 404 et 421) malgré les premières patrouilles de la RGC dans les îles Sverdrup. En mars 1928, la Norvège signifie sa volonté de réserver ses droits acquis par les découvertes de Sverdrup (doc. 428). Or, ce positionnement fait partie d'un plan d'Oslo visant à obtenir la souveraineté sur l'île Bouvet dans l'Antarctique, que revendique aussi la Grande-Bretagne. À Londres, le ministre norvégien fait valoir que son pays jouit de la revendication la mieux fondée à l'égard de l'île Bouvet, sur la base d'une visite récente et d'une occupation prévue. Il ajoute que si la politique britannique devait ne pas considérer que l'occupation est le principal critère établissant la souveraineté, la Norvège pourrait bien décider de mettre les bâtons dans les roues du Canada en invoquant les découvertes de Sverdrup. La revendication visant l'île Bouvet se règlera à l'amiable, à la satisfaction de la Norvège, mais sans aucun accord indiquant explicitement qu'aucune revendication norvégienne ne serait déposée à l'égard des îles Sverdrup (doc. 435). Les responsables canadiens s'interrogent alors à savoir si la Norvège pourrait être tentée de contester la souveraineté du Canada (doc. 437).

Cinquième partie : 1929 à 1939

En 1929-1930, la question des îles Sverdrup est réglée d'une manière qui (malgré quelques faux pas) rend justice à la crédibilité accordée aux capacités de développement du Canada dans le domaine de la diplomatie internationale. Le litige relatif à l'île Bouvet ayant été réglé, le gouvernement norvégien croit qu'il n'aura plus besoin d'utiliser les îles Sverdrup comme outil de négociation, de sorte que le ministre des Affaires étrangères informe Sverdrup qu'il est libre de présenter au Canada une demande de compensation financière pour son travail dans l'Arctique. Si une telle compensation était offerte et si le Canada acceptait de garantir aux citoyens norvégiens certains droits dans les îles Sverdrup, le

gouvernement norvégien reconnaîtrait officiellement le titre du Canada¹¹. Bien entendu, Ottawa ne savait rien de ces tractations, et ni Sverdrup ni son représentant, Eivind Bordewick, n'ont jamais dit quoi que ce soit à propos des dispositions restrictives qu'on leur avait demandé d'obtenir.

En mai 1929, Bordewick approche le premier ministre King au nom de Sverdrup (doc. 438). Les membres du CCN, confiants à l'égard du dossier du Canada et sceptiques à l'égard de la prétention de Sverdrup selon laquelle il aurait pris possession du territoire de façon valable, concluent néanmoins qu'une reconnaissance officielle de la part de la Norvège « pourrait représenter une certaine valeur » (docs 445-447). L'espoir de Bordewick d'obtenir un résultat favorable est validé; mais il essuie une ferme rebuffade lorsqu'il exerce des pressions en vue d'obtenir une décision rapide du Canada (docs 449-451). À la même période, le gouvernement britannique est irrité lorsque la Norvège tente de nouveau d'utiliser les îles Sverdrup comme outil de négociation, cette fois dans les négociations relatives à sa revendication visant l'île de Jan Mayen (docs 440 et 452). Lorsque Skelton se rend à Londres à l'automne 1929, il est convenu de verser une compensation à Sverdrup, car on y voit une solution susceptible de régler la question, même si la Grande-Bretagne pourrait aussi retourner la stratégie d'Oslo contre les Norvégiens en insistant pour que le litige relatif aux îles Sverdrup soit réglé avant que le Royaume-Uni ne reconnaisse leur revendication à l'égard de l'île de Jan Mayen (doc. 463).

Toutefois, une fois de retour à Ottawa, Skelton constate que ses collègues du CCN sont réticents à offrir la somme que demande Sverdrup. Au départ, l'explorateur avait demandé 200 000 \$, mais en décembre 1929, il indique qu'il est disposé à accepter 100 000 \$. Cependant, les membres du CCN estiment qu'une somme de 25 000 \$, assortie d'une rente annuelle de 2 400 \$, suffirait (docs 473 et 477). On trouve finalement une issue à l'impasse lorsque Bordewick propose une somme de 25 000 \$ en plus d'une capitalisation de la rente, ce qui porte le montant total à 67 000 \$ (doc. 484). Le marché est conclu à la condition que Sverdrup fournisse les originaux de ses journaux, de ses notes et de ses cartes et que le gouvernement de Norvège reconnaisse la souveraineté du Canada (docs 480, 488 et 489).

Le marché vient à peine d'être conclu que les responsables norvégiens invoquent déjà leurs dispositions restrictives relatives aux droits spéciaux pour les citoyens norvégiens (doc. 490). À Oslo, le ministre britannique s'y oppose au nom

¹¹ Thorleif Tobias Thorleifsson, "Norway 'Must Really Drop Then Absurd Claims Such as That to the Otto Sverdrup Islands,' Bi-Polar International Diplomacy: The Sverdrup Islands Question, 1902-1930," thèse de maîtrise, Université Simon Fraser, 2006, p. 65. Cette thèse est la première étude du litige relatif aux îles Sverdrup qui a utilisé des dossiers norvégiens déclassifiés. Elle renferme beaucoup d'information valable. Toutefois, l'auteur n'a pas consulté l'ensemble des documents britanniques et canadiens reproduits ici. Ces documents font ressortir le besoin de modifier certaines des conclusions de Thorleifsson. En particulier, il attribue certaines décisions à Skelton, décisions qui devraient plutôt être attribuées à Finnie, qui a conseillé Skelton et l'a aidé à éviter de commettre au moins une erreur grave (voir docs 511 et 512).

du Canada (doc. 498), mais les Norvégiens ne semblent pas vouloir pousser l'affaire plus loin. Mais lorsque les Norvégiens présentent une reconnaissance de la souveraineté, en août 1930, c'est uniquement à condition que les Norvégiens se voient garantir des droits relatifs aux activités économiques (docs 504 et 505). Skelton est prêt à accepter la proposition, mais l'unité se braye et fait valoir que l'existence de la Réserve de gibier des îles arctiques empêcherait l'accès au tout droit à des étrangers dans l'archipel (docs 511-513). D'autres problèmes surgissent lorsque Bordewick informe le ministère des Affaires extérieures que Sverdrup ne possède aucun des documents exigés dans l'accord³⁶. La Norvège accepte finalement la déclaration du Canada selon laquelle les droits convoités ne peuvent être consentis (docs 523 et 524). La note expédiée par le représentant britannique à Oslo ajoute que si les règlements relatifs au gibier devaient être modifiés, les Norvégiens pourraient bien entendre demander les permis nécessaires pour mener des activités économiques dans l'archipel. Cette remarque n'est portense d'aucune conséquence juridique, car si les règlements étaient modifiés, tous les Canadiens et les étrangers pourraient naturellement présenter de telles demandes. Oslo reçoit uniquement l'assurance que les demandes présentées par des citoyens norvégiens bénéficieraient d'un traitement plus amical. Le litige finalement réglé, le paiement est versé à Sverdrup, et en retour, ses journaux sont expédiés à Ottawa.

James White était décédé en 1928. Lester Pearson (futur sous-secrétaire d'État aux Affaires extérieures, secrétaire d'État aux Affaires extérieures et premier ministre), à qui l'on avait demandé d'examiner les aspects juridiques relatifs au litige des îles Sverdrup, lit les mémoires de White de 1925, lesquels exercent une grande influence sur lui (voir docs 459 et 522). Toutefois, une fois que la Norvège reconnaît officiellement le titre du Canada, la politique sur l'Arctique cesse d'être considérée comme une grande priorité par le ministère des Affaires extérieures. Un virage marqué est visible, tant sur le plan de la théorie et que de la pratique. Les objectifs de la revendication sectorielle de 1925 ont été atteints grâce à l'acquiescement des États-Unis et à la reconnaissance de la Norvège. Après les vols transarctiques de Roald Amundsen et d'Hubert Wilkins, aucun signe du légendaire continent nordique, ou de toute autre nouvelle terre, n'est observé. En conséquence, pour certains responsables, dont Finnie, le principe des secrets ne semble plus essentiel à la position du Canada (doc. 527).

Le poste de la RGCC le plus au nord avait été établi dans la presqu'île Bache, sur l'île Ellesmere, en 1926. Ce lieu avait été choisi principalement parce qu'il s'agissait de la meilleure route terrestre donnant accès aux îles Sverdrup (doc. 369). Toutefois, il était souvent difficile d'atteindre le poste lui-même par navire. En 1931, Skelton accepte qu'une présence humaine au poste de Bache ne soit plus requise à longueur d'année (docs 529-531). De plus en plus, la politique sur l'Arctique est gérée par le Conseil des Territoires du Nord-Ouest – qui commence à se réunir plus fréquemment en 1929 – plutôt que par le Conseil consultatif du

³⁶ Bordewick to External Affairs, 15 October 1930, BAC, RG 25, vol. 2667, dossier 9057-A-40.

Nord. Celui-ci tient sa dernière réunion en mars 1931. À la fin de 1931, la STNOY est supprimée dans le cadre des mesures de réduction de la taille de la fonction publique à l'époque de la crise des années 1930. Finnie et Craig prennent tous deux une retraite précoce. Le poste de Bache est fermé en 1933, tout comme un autre poste de la RGCC dans l'Extrême-Arctique, à Dundas Harbour.

Les affaires du Nord sont maintenant gérées principalement par Roy Gibson (figure 24), sous-ministre adjoint de l'Intérieur et sous-commissaire des T. N.-O. En 1931, W.W. Cory est remplacé à son poste de commissaire par le nouveau sous-ministre de l'Intérieur, Hugh Rowatt. Rowatt a presque 70 ans au moment de sa nomination et il semble peu s'intéresser au Nord. Son successeur, James Wardle, s'y intéresse encore moins. De 1931 à 1936, l'administration nordique est placée sous la surveillance du Bureau des terres du Dominion, dont H.E. Hume assure la présidence jusqu'à 1933, alors qu'il prend sa retraite et est remplacé par J. Lorne Turner. Contrairement à Finnie, ni Hume ni Turner ne sont membres du CTNO, et contrairement à Cory et Rowatt, Wardle ne sera jamais nommé commissaire des T. N.-O. Les principales décisions sont donc prises par Gibson, qui agit en qualité de commissaire par intérim après la retraite de Rowatt en avril 1934, et pendant la durée du mandat de Wardle en tant que sous-ministre (août 1935 à décembre 1936). À la fin de 1936, le ministère de l'Intérieur est fusionné au ministère des Mines pour former le ministère des Mines et des Ressources. Le nouveau sous-ministre et commissaire, Charles Camsell, qui est né dans le Nord, possède une vaste expérience en matière de recherche géologique sur le terrain. Toutefois, il semble lui aussi laisser la plupart des décisions à Gibson.

Gibson aurait donc dû être une figure de premier plan dans l'histoire du Nord canadien, mais il demeure en quelque sorte une énigme. Avant 1931, il participe souvent, de façon indirecte, aux décisions relatives à la souveraineté dans l'Arctique. Cependant, une étude de ses lettres et de ses notes écrites dans les années 1920 ne documente aucune véritable position ou participation tangible aux questions relatives à l'Arctique. Gibson était assurément un administrateur efficace, qui suivait les directives visant à réduire les dépenses en exerçant une rigueur implacable. C'est pourquoi ses subordonnés l'ont plus tard décrit comme un dirigeant dictatorial qui manquait de vision³. Cela étant, les documents des années 1930 reproduits ici montrent un certain intérêt et une certaine visée de la part de Gibson pour le Nord, lorsqu'il prend la responsabilité de ce dossier (voir particulièrement doc. 544). Il n'ignore pas les enjeux relatifs à la souveraineté, et il demande fréquemment que le ministère des Affaires extérieures produise un rapport définitif sur la question. Gibson souhaite que Skelton siège au CTNO, et Skelton y est nommé en 1938; mais le sous-secrétaire, très occupé, ne participe aux réunions que très sporadiquement.

À défaut d'obtenir une réponse satisfaisante des Affaires extérieures, Gibson s'adresse à T.L. Cory, un avocat du ministère des Mines et des Ressources. Du

³. Voir les commentaires cités dans Shelagh D. Grant, *Sovereignty or Security? Government Policy in the Canadian North, 1936-1950* (Vancouver: UBC Press, 1988), p. 27.

point de vue juridique, le rapport de Cory (doc. 543) présente des lacunes graves, car il ne semble pas tenir compte de la décision récente (1933) de la Cour permanente de Justice internationale (CPJI) dans le titre relatif au Groenland oriental³⁸. Cette décision, lourde de conséquences, valide l'argument de White voulant que la norme usuelle d'occupation effective doive être modifiée dans les régions polaires. Cory n'est pas un spécialiste du droit international, et il n'est donc pas surprenant qu'il ait ignoré une étape charnière des réflexions juridiques sur les régions polaires. Son rapport exagère certainement les possibles objections au titre du Canada, mais il démontre aussi un appétit à reprendre une politique nordique plus active qui reflète probablement l'attitude de Gibson. En fait, dans un contexte de contraintes financières, la suggestion d'éventuelles menaces continues à la souveraineté du Canada peut très bien avoir été une stratégie visant à obtenir un financement accru.

Si tel est le cas, la stratégie n'a pas porté ses fruits et aucune nouvelle initiative d'envergure n'est déployée dans les années 1930. Selon Gibson lui-même, cette responsabilité ne lui incombe pas, ni à ses subordonnés. En 1943, lorsque Gibson est la cible de critiques de plus jeunes bureaucrates, il s'adresse à Hugh Keenleyside (qui a remplacé Skelton en tant que représentant aux Affaires extérieures au CTNO) :

Je suis certain que vous conviendrez que dans les limites des crédits disponibles, un bon travail professionnel d'administration a été accompli. La difficulté est que la crise a exigé des années de rigueur économique. Les tentatives répétées ont été présentées dans le but d'obtenir des crédits plus importants de manière à régler bon nombre des difficultés de façon plus appropriée, mais nos crédits sont restés à la limite des besoins minimaux pour assurer une administration continue d'une année à l'autre³⁹.

Gibson semble bien avoir accompli un « travail professionnel » sur les enjeux relatifs à la souveraineté. Il est toujours réceptif à tout signallement d'infraction aux lois canadiennes par des étrangers. En 1934, alors qu'il est commissaire par interim, il amorce la pratique du détachement de représentants canadiens dans les expéditions étrangères (docs 533-535). Mais à défaut d'orientations claires sur les questions juridiques formulées par les Affaires extérieures, bon nombre de bureaucrates nagent en pleine confusion au chapitre de l'administration du Nord. Par exemple, David McKeand, qui commande les patrouilles de l'Arctique oriental de 1932 à 1945, se montre dangereusement enclin à l'idée qu'une relocalisation des Inuits de l'île Baffin vers l'Extrême-Arctique pourrait donner un appui fort nécessaire au titre du Canada (voir doc. 545).

³⁸ Cour permanente de Justice internationale, série A/B, Arrêts, ordonnances et avis consultatifs, fascicule n° 53, *Statut juridique du Groenland oriental*, arrêt du 5 avril 1933.

³⁹ Gibson to Keenleyside, 19 April 1943, BAC, RG 25, vol. 3198, dossier 5220-40.

Heureusement, les idées de McKeand sont dénuées de conséquences pratiques à l'époque, bien qu'elles seront reprises par ses successeurs. Les membres de la RGCC sont encore les principaux acteurs qui préservent la souveraineté canadienne. Même avec un nombre réduit de postes, les policiers continuent d'effectuer de longues patrouilles du territoire, y compris dans l'Extrême-Arctique; leur « détachement flottant », le *St. Roch*, navigue chaque année dans les eaux de l'Arctique occidental à partir de 1928. Grâce aux efforts de la police, des patrouilles continues dans l'Arctique oriental et de l'administration modérée et constante de Gibson, la situation du Canada par rapport à la souveraineté est satisfaisante au début de la Seconde Guerre mondiale. Cependant, comme White, Finnie, Craig et d'autres sont soit décédés soit à la retraite, et que Skelton se préoccupe de plus en plus de la situation en Europe, les avancées accomplies de 1922 à 1930 risquent de sombrer dans l'oubli, non seulement du public, mais de la bureaucratie canadienne.

Sixième partie : 1940 à 1949

En janvier 1940, Gibson écrit au ministère des Affaires extérieures et demande quelles peuvent être les répercussions éventuelles sur la souveraineté rattachées à la fermeture du poste de Craig Harbour – le seul poste de l'Extrême-Arctique avec une présence humaine à longueur d'année – pendant la durée de la guerre. La réponse de Skelton illustre avec éloquence le manque de mémoire institutionnelle appropriée sur les questions relatives à la souveraineté. Il demande à l'un des jeunes officiers juridiques du Ministère, Max Wershof, de produire une note sur la question (doc. 546). Ayant peu de connaissances en droit international applicable aux régions polaires ou de connaissances contextuelles sur la revendication sectorielle du Canada, Wershof s'exécute en suivant l'hypothèse que le principe des secteurs et l'occupation effective sont deux questions sans aucun lien entre elles, et fait part de sa confusion à savoir lequel des deux critères constitue le véritable fondement de la revendication canadienne³⁷. Dans l'esprit de Wershof, s'il n'y a à l'époque aucune occupation concrète dans l'Extrême-Arctique, le titre du Canada sera gravement affaibli – une conclusion qui montre une ignorance complète des principes énoncés dans l'arrêt du Groenland oriental. Cela étant, Wershof reconnaît que la souveraineté canadienne ne sera pas entièrement annulée; néanmoins, les conséquences de ses déclarations ternissent le tableau. Skelton lui-même (qui avait attentivement suivi les progrès dans le litige relatif au

³⁷ L'avocat américain Charles Cheney Hyde, ancien employé du département d'État qui avait maintenu l'application de la norme régulière pour ce qui est de l'occupation effective dans les régions polaires, avait alors publié une définition de la théorie des secteurs qui énonçait qu'elle « ne tenait pas compte... de l'absence de contrôle. Elle visait à soustraire à l'application des principes généralement acceptés du droit international certaines régions réputées d'avoir une relation unique avec l'État requérant ». Hyde, "Acquisition of Sovereignty over Polar Areas," *Iowa Law Review*, vol. 19, no. 2 (January 1934), p. 289. Cette définition a plus tard été reprise dans un livre écrit par Hyde, *International Law Chiefly as Interpreted and Applied by the United States*, 2nd edn (Boston: Little, Brown, 1947), p. 347.

Groenland oriental) reprend le flambeau – apparemment sans même se donner la peine de renseigner Wershof sur les fondements de sa réflexion plus positive – et informe Gibson que la fermeture du poste pendant un certain temps, même si l'occupation est toujours désirable, « n'annule ni n'affaiblit grandement les revendications du Canada » (doc. 547).

Skelton meurt subitement d'un infarctus du myocarde en janvier 1941. Avec son décès, les connaissances intimes du régime de la politique sur l'Arctique générées dans les années 1920 sont presque totalement perdues. Pearson continue de souscrire à la théorie des secteurs, mais constate souvent que ses collègues aux Affaires extérieures connaissent mal ce principe, faisant preuve de scepticisme à son égard et sont convaincus, pour reprendre la phrase souvent citée de Hume Wrong, que la souveraineté du Canada concernant les îles sur lesquelles il n'y avait aucun véritable poste, est « non contestée, mais [n'est] pas non contestable ». Même si, de manière générale, les responsables expriment un degré raisonnable de confiance par rapport au titre du Canada, il est fréquent d'observer des doutes persistants comme ceux de Wrong. Quoi qu'il en soit, Ottawa continue de procéder comme s'il exerçait la souveraineté, les négociations du Canada avec les États-Unis pendant la guerre sont concluantes et, d'une façon générale, sont caractérisées par un climat de confiance. La première demande américaine est présentée en août 1941, avant même que les États-Unis n'entrent en guerre (docs 549-553). Les États-Unis désirent établir des stations sur l'île de Baffin et dans le nord du Québec à des fins d'observation météorologique, et aussi pour amener des avions jusqu'en Grande-Bretagne dans le cadre de son accord de prêt-bail. Étant donné que la demande constitue en soi une reconnaissance implicite de la souveraineté du Canada, elle n'inquiète pas Ottawa. Le premier ministre King accède à la demande, pour autant que le Canada se réserve le droit de remplacer les installations américaines par les siennes.

Les activités menées ultérieurement par les États-Unis dans le nord-ouest du Canada sont abondamment documentées dans les volumes réguliers des *DRREC* (voir l'annexe de la partie 6). Toutefois, un élément important a été omis. Un grand nombre de récits historiques ont été axés sur le rapport d'avril 1943 du haut-

⁴¹ Voir BAC, volumes 1552 et 1553, dossier 1929-896. En 1932, le représentant du Canada à la Société des Nations, Walter Riddell, avait été informé par Dag Hammarskjöld (alors registraire de la CPJI) que l'arrêt du Groenland oriental aurait « une importance primordiale en ce qui a trait aux régions d'arrière-pays inoccupées ». Skelton avait donc demandé des copies des documents de la Cour. (Riddell to Skelton, 14 July 1932, et Skelton to Georges P. Vanier, 19 September 1932.) Avant même qu'un litige ne soit porté devant la CPJI, les membres de la STNOY en comprenaient déjà l'importance éventuelle pour le Canada. En 1931, George Mackenzie avait indiqué à Finnie que l'affaire revêtait « un intérêt particulier pour nous, parce que la question d'occupation effective a été soulevée par la Norvège ». (Mackenzie to Finnie, 26 February 1931, BAC, RG 85, vol. 749, dossier 4419.) Mais au moment où la CPJI avait rendu sa décision en 1933, Finnie et Mackenzie avaient tous deux pris leur retraite.

⁴² Hume Wrong, note à A.D.P. Heeney, 24 June 1946, *DRREC*, vol. 12, doc. 921. La déclaration de Wrong, à l'instar de nombreuses autres, montre un manque de compréhension de l'importance de l'arrêt du Groenland oriental pour le Canada. Elle ressemble davantage à la perception qu'entretenait Wershof en 1940 qu'à celle de Skelton.

commissaire britannique, Malcolm MacDonald, au premier ministre King. Ce rapport, reproduit dans le volume 9, présente un portrait très alarmant de l'importante présence militaire des Américains, qui est largement non réglementée⁴³. Une réponse de Keenleyside (alors sous-secrétaire d'État adjoint aux Affaires extérieures) apparaît dans le même volume. Keenleyside est beaucoup moins perturbé que MacDonald, et indique que les difficultés décrites dans le mémoire de MacDonald sont « à la fois réelles et imaginées ». Keenleyside mentionne que le problème des agents américains qui interviennent sans permission préalable d'Ottawa a déjà été « presque entièrement réglé » et que « un processus de régularisation de la procédure tout entière selon les conditions approuvées par le Canada » sera bientôt exécuté⁴⁴. Toutefois, comme aucun document appuyant ces déclarations n'a été reproduit, on a fait abstraction en grande partie des arguments de Keenleyside. Le présent volume renferme une série de documents (554-569) datant de septembre 1942 à juin 1943, étayant que l'attitude plus confiante de Keenleyside était tout à fait justifiée. Keenleyside avait été mis au fait du besoin de tenir plus de consultations sept mois avant que MacDonald ne produise son rapport, et avec l'entière collaboration des hauts fonctionnaires américains, le ministère des Affaires extérieures avait négocié un accord satisfaisant. L'accord a été enchâssé dans une note préparée par Lewis Clark de la légation américaine à Ottawa (doc. 569).

Pendant ce temps, Gibson n'avait pas cessé d'observer attentivement toute menace éventuelle à la souveraineté canadienne dans l'archipel. Inspiré par un article de journal laissant entendre que la période d'après-guerre risquait de remettre en cause le titre du Canada, en janvier 1944, il suggère au commissaire Stuart Wood de la RGCC qu'il pourrait être de mise d'envoyer le *St. Roch* entreprendre certaines activités dans l'Extrême-Arctique (docs 570 et 571). Cette suggestion est à l'origine du fameux voyage de 1944 sous le commandement du sergent Henry Larsen. Le *St. Roch* devient alors le premier navire à traverser le passage du Nord-Ouest par la route plus nordique et beaucoup plus difficile à naviguer (voir figure 28 et carte 8.6).

Après la guerre, Gibson continue d'insister pour obtenir un rapport définitif sur la souveraineté de la part du ministère des Affaires extérieures. Un an et demi avant sa retraite, ce rapport est finalement commandé à Vincent MacDonald de la Faculté de droit de l'Université Dalhousie (doc. 572). Avant que MacDonald n'entreprenne son travail, le ministère des Mines et des Ressources compile une quantité considérable de données sur les activités gouvernementales dans le Nord. Le dossier ainsi constitué⁴⁵ fournit à MacDonald des données probantes à l'appui de sa conclusion selon laquelle la souveraineté canadienne est bien établie. Le rapport MacDonald représente la première analyse canadienne interne qui tient

⁴³ Mémoire de MacDonald, 6 Avril 1943, DRREC, vol. 9, doc. 1253.

⁴⁴ Mémoire de Keenleyside, 9 Avril 1943, *ibid.*, doc. 1255.

⁴⁵ Ministère des Mines et des Ressources, *Factual Record Supporting Canadian Sovereignty in the Arctic* (1949), copie à la bibliothèque Jules-Léger, Affaires mondiales Canada.

compte de l'arrêt du Groenland oriental". Il met en doute la validité de la thèse des secteurs, mais il souligne aussi que la revendication territoriale du Canada « vise précisément la région qui pouvait être revendiquée de plein droit sur la base de l'occupation effective » lorsque les critères établis à l'occupation dans les régions polaires qui avaient été définis par la CPI étaient appliqués. Ici, MacDonald, sans même le réaliser, étudie la véritable intention sous-jacente au mémoire de James White, la décision du Conseil de 1925 et les déclarations publiques de Charles Stewart qui ont suivi.¹ En dépit de sa méprise, les mots de MacDonald démontrent qu'en 1949, les objectifs de la revendication de souveraineté de 1925 avaient été atteints.

Remerciements

J'aimerais d'abord remercier le rédacteur adjoint, Joel Kropf (Ph. D.), pour son zèle et son esprit d'initiative, qui m'est venu en aide pour retracer de nombreux documents, faits et références obscures. Il m'a apporté son aide dans presque toutes les tâches rédactionnelles, surtout pour ce qui est de la révision et de l'établissement de la liste des personnalités. Je voudrais également remercier le professeur Norman Hillmer, de l'Université Carleton, pour ses conseils inestimables, éclairés par ses années d'expérience dans le domaine de l'édition de fonds documentaires.

Je remercie également Maria Fernandez au Stefansson Collection, Elizabeth Haines (Ph. D.) à Londres et Matt Trudgen (Ph. D.), à Ottawa et à Washington pour leur aide remarquable en dépouillement d'archives. Jeff Noakes (Ph. D.), du Musée canadien de la guerre, est le premier à avoir mis au jour certains des documents reproduits ici lors d'une recherche conjointe que lui et moi avons effectuée entre 2005 et 2008. Les employés de Bibliothèque et Archives nationales du Québec, de Bibliothèque et Archives Canada, des Archives nationales du Royaume-Uni et de la Stefansson Collection ont répondu promptement et avec courtoisie à plusieurs demandes de renseignements. Geir Kløver (Ph. D.), du musée du Fram à Oslo, a eu la gentillesse de me faire parvenir des extraits du journal personnel d'Otto Sverdrup.

Will Tait a produit l'annexe de la partie 6; Marilyn Croot a produit les cartes et Aline Gelineau a aidé à la conception du livre et a assuré sa mise en page. Tous ces travaux ont été accomplis en portant un soin et une attention exceptionnels aux détails. Les versions françaises des notes en bas de page et autres textes auxiliaires

¹ D'autres notes des Affaires extérieures mentionnent aussi publiquement sur les tentatives de médiation publiées avant la décision dans l'affaire du Groenland oriental. Le dossier de Skelton sur cette affaire ne semble pas avoir été consulté après son décès. Si Skelton avait produit le mémoire si souvent demandé par Gibson, les Affaires extérieures auraient assurément pu se prononcer avec beaucoup plus de confiance sur les enjeux relatifs à la souveraineté durant les années 1940.

² Or, les tentatives diplomatiques menées par le Canada pour saisir le Groenland oriental ont échoué. Les tentatives juridiques ont aussi échoué à saisir la véritable nature de la revendication canadienne. Pour consulter l'une des quelques exceptions, voir W.H. McConnell, "Canadian Sovereignty over the Arctic Archipelago," thèse de maîtrise, College of Law, University of Saskatchewan, 1970, p. 43.

ont été fournies par le Bureau de la traduction, Travaux publics et Services gouvernementaux Canada. Katherine Arpin a rapidement fourni des réponses instructives aux demandes de renseignements sur les différentes questions liées à la traduction.

Enfin, j'aimerais remercier mes collègues de la Section des affaires historiques d'Affaires mondiales Canada, en particulier le directeur adjoint, Greg Donaghy (Ph. D.), qui est aussi rédacteur en chef de la série des *DRREC*. Les directeurs de la Direction de la recherche sur les politiques étrangères qui se sont succédé – Alan Bowman, Jordan Zed et Neil Brennan – ont tous contribué à ce projet, qui n'aurait pu être mené à bien sans leur appui.

Janice Cavell

Janvier 2016

NOTE SUR LES CONVENTIONS RÉDACTIONNELLES

Les conventions utilisées dans ce volume sont tout à fait différentes de celles utilisées dans les volumes réguliers des *DRREC*. Dans les volumes réguliers, les documents sont présentés dans des formats uniformisés et les erreurs d'orthographe, de grammaire, de casse, etc. sont discrètement corrigées. Dans ce volume, bien qu'il y ait eu une certaine uniformisation du format et la correction discrète de certaines erreurs, les versions reproduites sont beaucoup plus près des originaux.

Les fautes typographiques évidentes ont été discrètement corrigées, et les longs « s » des premiers documents manuscrits ont été discrètement modifiés pour des « s » doubles. Toutefois, les fautes d'orthographe et autres erreurs qui semblaient typiques de la manière d'écrire des rédacteurs ou de l'époque ont été laissées inchangées, et à l'occasion, des précisions ont été indiquées entre crochets.

En raison de cette pratique et également en raison de l'évolution des conventions sur les noms géographiques de l'Arctique, il y a de nombreuses erreurs dans les noms de lieu et de personnes. : Ce n'est que dans les cas d'erreurs flagrantes – par exemple James Sound au lieu de Jones Sound – que le nom correct a été ajouté entre crochets. Ainsi, plusieurs documents utilisent des versions désuètes ou incorrectes, par exemple le fleuve McKenzie plutôt que le fleuve Mackenzie, le golfe Cumberland plutôt que la baie Cumberland, et les îles Rignes plutôt que les îles Ringnes. Les noms personnels orthographiés correctement se trouvent dans la liste des personnalités. En cas de doute au sujet de la rectitude des noms de lieux, le lecteur est invité à se reporter à d'autres sources (comme le site Web de Ressources naturelles Canada)⁴⁸.

Le nom de Territoire du Nord-Ouest (au lieu de Territoire indien) a été utilisé dans l'introduction, les notes en bas de page et autres pour désigner la région avant

⁴⁸ Voir www.mcan.gc.ca/sciences-terre/geographie/noms-lieux/recherche/9171.

1870. Pour la période postérieure à 1870, l'orthographe Territoriales du Nord-Ouest a été utilisée.

Les erreurs grammaticales et les parties du texte qui n'ont pas de sens sont suivies de la mention [sic], à moins qu'une modification entre crochets ait pu être utilisée pour corriger l'erreur ou préciser la signification.

La ponctuation a été rendue le plus fidèlement possible, cependant, puisque dans bien des cas, il a fallu travailler à partir de microfilms, on ne peut garantir l'exactitude intégrale.

La ponctuation a été corrigée discrètement en cas d'erreur manifeste (par exemple une virgule à la fin d'une phrase) et discrètement ajoutée là où elle était absente et où aucune autre forme de ponctuation n'était possible. Les tirets courts, souvent utilisés comme ponctuation polyvalente au XIX^e siècle et au début du XX^e siècle, ont été discrètement remplacés par des points, des virgules, des deux-points ou des tirets demi-cadratin selon ce qui semblait le plus approprié dans le cas particulier. Les tirets cadratin des documents reproduits ont été remplacés par des tirets demi-cadratin.

La convention qui consiste à placer les guillemets au début de chaque ligne d'une longue citation n'a pas été utilisée; toutefois, les passages cités sont marqués par des guillemets placés au début et à la fin de la citation, car la façon dont les longues citations sont disposées dans certains documents pourrait prêter à confusion pour le lecteur.

Les autres modifications apportées à la ponctuation par souci de clarté, comme les virgules et les deux-points ajoutés, ont été placées entre crochets.

Dans les cas où les transcriptions sont conjecturales, les mots pour lesquels il y a incertitude ont été placés entre crochets et suivis d'un point d'interrogation.

Les mots abrégés n'ont pas été écrits au long à moins d'ambiguïté quant à leur signification.

Les mots ou les phrases annulés ont été inclus uniquement s'ils étaient importants. Ils ont été indiqués en texte barré.

La grande majorité des documents ont été reproduits dans leur intégralité, mais dans certains cas, des omissions étaient requises en raison de la longueur excessive, de la non-pertinence du contenu ou parce qu'il s'agissait de documents qui ne faisaient que reproduire le contenu d'un autre document du volume. Ces omissions sont indiquées par une ellipse placée entre crochets ([...]). Dans certains cas, le contenu omis est résumé dans une note en bas de page. Une ellipse sans crochets fait partie du document.

Les signatures sur les documents non originaux, qu'elles aient été manuscrites, dactylographiées, estampillées ou simplement absentes, ont été placées entre crochets.

Les documents auxquels on renvoie dans d'autres documents, mais qui ne sont pas reproduits ici, sont désignés à l'aide d'une croix (*). Lorsqu'un autre document fait référence au document qui a été reproduit ici, aucune référence

croisée n'est indiquée si la date est mentionnée, et le document peut facilement être repéré par le classement chronologique du volume. Si le document ne peut être retrouvé de cette façon, la référence croisée est fournie.

Dans les notes en bas de page, les publications anglophones sont citées selon les règles de l'anglais et les publications françaises sont citées selon les règles du français. Les citations substantielles utilisées dans les notes en bas de page ont été laissées dans leur langue originale.

Les versions françaises des noms des ministères gouvernementaux et autres proviennent des documents officiels de l'époque, même lorsque ceux-ci auraient été traduits différemment aujourd'hui. Par exemple, jusqu'à 1949, la traduction de Royal Canadian Mounted Police était « Royale gendarmerie à cheval du Canada » au lieu de « Gendarmerie royale du Canada ».

Étant donné que les lois sont citées dans les documents selon l'ancienne convention qui utilise les années du règne, les notes en bas de page utilisent un système qui combine cette convention avec la convention actuelle fondée sur les années civiles.

À moins d'indication contraire, il est supposé que les documents ont été lus par leurs destinataires.

Les entrées de la liste des personnalités incluent les titres de noblesse, mais pas les titres de chevaliers, les diplômes en médecine, les doctorats ou les grades militaires et policiers. En règle générale, les postes indiqués sont uniquement ceux correspondant à l'époque du document ou des documents dont la personne est l'auteur, ou dans lesquels elle est mentionnée. Cependant, dans certains cas, des renseignements supplémentaires sur des personnes un peu moins connues ont été inclus. Les personnes sans poste officiel, et à propos desquelles rien (sinon très peu) de plus que ce qui a été révélé dans les documents n'a pu être découvert, ne sont souvent pas mentionnées.

RENSEIGNEMENTS UTILES

Commis du ministère des Colonies : ces responsables étaient des personnes très scolarisées, notables et ayant de l'autorité. La signification actuelle du terme « commis » ne s'applique pas à eux.

Correspondance entre le gouvernement du Canada et le Royaume-Uni : jusqu'à 1927, toutes les communications canadiennes officielles avec le gouvernement britannique cheminaient par l'entremise du Cabinet du gouverneur général et le ministère des Colonies (après juillet 1925, le Bureau des Dominions). En 1927, ce système a été modifié et le ministère des Affaires extérieures et le Bureau des Dominions ont commencé à communiquer directement.

Bureau du Conseil privé : techniquement, le Conseil privé de la Reine (ou du Roi) pour le Canada réunit tous les ministres fédéraux courants et anciens ministres vivants, en plus des autres personnes qui ont reçu le titre de conseiller privé. Le Comité du Conseil privé, aussi appelé le Cabinet, réunit uniquement les

ministres actuels. Toutefois, le terme Conseil privé – habituellement abrégé par Conseil – a été utilisé fréquemment jusqu'à la Seconde Guerre mondiale pour désigner ce qui est aujourd'hui encore connu comme étant le Cabinet (le Cabinet a parfois été utilisé, mais ce terme est demeuré relativement rarement utilisé jusqu'aux années 1940 où son utilisation a été préconisée par le greffier du Conseil privé, Arnold Heeney, qui est aussi devenu le premier secrétaire auprès du Cabinet). Le terme « Conseil privé » a donc été utilisé dans les en-têtes du document et le terme « Conseil » a été utilisé dans les notes en bas de page et autres au lieu des termes « Comité du Conseil privé » et « Cabinet ».

Approbation des décrets du Conseil : même si les décrets du Conseil devaient être approuvés de façon officielle par le gouverneur général, celui-ci n'assistaient pas aux réunions du Conseil ni ne jouait de rôle dans les décisions du Conseil. Après chaque réunion, le greffier du Conseil privé expédiait les décrets approuvés à Rideau Hall pour signature.

Contrôle de la Police à cheval : de la création de la Police à cheval du Nord-Ouest en 1873 jusqu'à la déroute du gouvernement de Sir John A. Macdonald très peu de temps après, Macdonald a dirigé directement la force en qualité de ministre de la Justice. En 1876, le gouvernement d'Alexander Mackenzie a dévolu cette fonction au secrétaire d'État. Du moment où Macdonald a repris le pouvoir en 1878 jusqu'à son décès en 1891, la direction de la police a été rattachée à divers portefeuilles du Cabinet qu'il détenait lui-même. Après son décès, la direction a été confiée au président du Conseil privé, qui a assumé cette fonction jusqu'à la fin de 1921. À l'exception d'une courte période en 1922 où la RGCC a relevé du ministre de la Milice et de la Défense, le ministre de la Justice a été responsable le reste de la période couverte dans le présent volume.

De 1891 à 1921, certains premiers ministres ont aussi détenu le portefeuille du président du Conseil privé et, à l'instar de Macdonald, ont dirigé directement la force. Sir Wilfrid Laurier compte parmi ce groupe. Dans les en-têtes des documents qu'il a rédigés, ou qui lui étaient adressés, à ce titre, il est identifié comme président du Conseil privé plutôt que comme premier ministre.

Le contrôleur et le commissaire de la Police à cheval : en 1873, Frederick White, alors commis au ministère de la Justice, a été choisi par Sir John A. Macdonald pour faciliter l'organisation de la force et en être le premier contrôleur. En 1883, le poste de contrôleur a reçu un statut équivalant à celui de sous-ministre. Étant donné que la Police à cheval du Nord-Ouest était une division du gouvernement civil et non une organisation militaire, White en était à la tête. Après la retraite de White en 1913, il y a eu deux successeurs, Lawrence Fortescue et Angus McLean. Autour de la même époque que la fusion de la Royale gendarmerie à cheval du Nord-Ouest et la Police du Dominion, le poste de contrôleur a été changé pour celui de contrôleur financier, et le commissaire est devenu le chef officiel de la nouvelle Royale Gendarmerie à cheval du Canada.

Légations et ambassades : selon les règles de la diplomatie formulées au Congrès de Vienne (1815), seules les grandes puissances échangeaient des ambassadeurs entre elles. Le type de mission diplomatique le plus courant était une légation, dirigée par un ministre plutôt que par un ambassadeur. Le Royaume-Uni avait des légations, et non des ambassades, dans des pays comme la Norvège et le Danemark. Après la Seconde Guerre mondiale, ce système a été modifié et la plupart des missions diplomatiques sont devenues des ambassades.

Représentation diplomatique du Canada à l'étranger : le haut-commissariat du Canada à Londres a été mis sur pied en 1880. De 1921 à 1927, il y avait un agent canadien, Merchant Mahoney, à l'ambassade britannique à Washington. Le Canada n'a pas eu de mission diplomatique dans les capitales étrangères avant la fin des années 1920, alors que des légations ont été ouvertes à Washington (1927), Paris (1928) et Tokyo (1929). Aucune autre légation n'a été mise sur pied avant la fin des années 1930. Pour la plus grande partie de la période couverte dans le présent ouvrage, les communications canadiennes officielles avec d'autres gouvernements transitaient par le Foreign Office et ses représentants à l'étranger.

Représentation diplomatique d'autres pays au Canada : plusieurs pays avaient des consulats généraux au Canada; la plupart d'entre eux étaient situés à Montréal, à Toronto ou à Vancouver plutôt qu'à Ottawa, et ce, jusqu'aux années 1930 et 1940. Une certaine correspondance diplomatique (portant surtout sur des questions de commerce) a été échangée par l'entremise de ces missions. La première légation étrangère a été établie par les États-Unis en 1927. Le premier haut-commissaire britannique au Canada a été nommé en 1928.

LIST OF ARCHIVAL SOURCES

LISTE DES SOURCES ARCHIVALES

Bibliothèque et Archives Nationales du Québec, Québec (BANQ)

Fonds J.-E. Bernier, P188, 1960-01-140

Canadian Museum of Nature/ Musée canadien de la nature, Gatineau (CMN/ MCN)

AC/1996-077 Series A-R.M. Anderson

Library and Archives Canada/ Bibliothèque et Archives Canada, Ottawa (LAC/ BAC)

Government Records/ Archives gouvernementales:

RG 2, Privy Council Office/ Bureau du Conseil privé

RG 6, Department of the Secretary of State/ Ministère du secrétariat d'État

RG 7, Office of the Governor General/ Cabinet du gouverneur-général

RG 10, Department of Indian Affairs/ Ministère des Affaires indiennes

RG 12, Department of Transport/ Ministère des Transports

RG 13, Department of Justice/ Ministère de la Justice

RG 15, Department of the Interior/ Ministère de l'Intérieur

RG 18, Royal Canadian Mounted Police/ Gendarmerie royale du Canada

RG 20, Department of Trade and Commerce/ Ministère du Commerce

RG 21, Department of Energy, Mines and Resources/ Ministère de l'Énergie, des Mines et des Ressources

RG 22, Department of Indian Affairs and Northern Development/ Ministère des Affaires indiennes et du Nord canadien

RG 23, Department of Fisheries and Oceans/ Ministère des Pêches et des Océans

RG 24, Department of National Defence/ Ministère de la Défense nationale

RG 25, Department of External Affairs/ Ministère des Affaires extérieures

RG 37, National Archives of Canada/ Archives nationales du Canada

RG 42, Department of Marine and Fisheries/ Ministère de la Marine et des Pêcheries

RG 45, Geological Survey of Canada/ Commission géologique du Canada

RG 85, Northern Affairs Program/ Programme des affaires du Nord

RG 88, Surveys and Mapping Branch/ Direction des levés et de la cartographie

Personal Papers/ Archives privées:

MG 26 B, Alexander Mackenzie

MG 26 D, John Sparrow David Thompson

MG 26 E, Mackenzie Bowell

MG 26 G, Wilfrid Laurier

MG 26 H, Robert Laird Borden

MG 26 I, Arthur Meighen

MG 26 J, William Lyon Mackenzie King

MG 27 II B-1, Gilbert John Murray-Kynynmound, Earl of Minto

MG 27 II B-2, Albert Henry George Grey, Earl Grey

MG 27 II C-1, Charles Fitzpatrick

MG 27 II D-15, Clifford Sifton

MG 30 B-6 Joseph Elzéar Bernier

MG 30 B-13, Otto Julius Klotz

MG 30 B-21, Nazaire Le Vasseur

MG 30 B-25, William Laird McKinlay

MG 30 B-40, Rudolph Martin Anderson and/ et Mac Belle Allstrand Anderson

MG 30 B-57, John Davidson Craig

MG 30 B-66, Kenneth Gordon Chipman

MG 30 B-68, Robert Archibald Logan

MG 30 B-81, Vilhjalmur Stefansson

MG 30 B-166, Kenneth Gordon Chipman

MG 30 E-44, Loring Cheney Christie

MG 30 E-86, Joseph Pope
 MG 30 E-169, James Bernard Harkin
 MG 31 C-6, Richard Sterling Finnie

Microfilmed Records / Documents sur microfilm

MG 9 G-1, Minutes of Northwest Territories Council / Procès-verbaux du Conseil des Territoires du Nord-Ouest
 MG 11 CO, Colonial Office
 CO 6, British North America
 CO 42, Dominion of Canada
 CO 323, Colonies, General
 CO 532, Dominions Division
 MG 11 DO, Dominions Office
 DO 35, Original Correspondence

Library of Congress, Washington, DC (LC)

William Howard Taft Papers

National Archives of the United States, College Park, Maryland (NACP)

RG 59, General Records of the Department of State
 RG 80, General Records of the Navy

Royal Geographical Society Archives, London (RGS)

CB9 139, Correspondence with Vilhjalmur Stefánsson, 1921-1930

Stefánsson Collection, Ratner Special Collections Library, Dartmouth College, Hanover, New Hampshire (SC)

MSS 98, Papers of Vilhjalmur Stefánsson, 1902-1962
 MSS 196, Correspondence of Vilhjalmur Stefánsson, 1895-1962

The National Archives of the United Kingdom, London (TNA)

ADM 1, Admiralty, Correspondence and Papers
 ADM 116, Admiralty, Record Office: Cases
 CAB 32, Cabinet Office, Imperial Conferences
 CO 42, Colonial Office, Dominion of Canada
 CO 532, Colonial Office, Dominions Division
 CO 700, Colonial Office, Maps and Plans
 DO 35, Dominions Office, Original Correspondence
 DO 114, Dominions Office, Confidential Prints
 FO 5, Foreign Office, Political and Other Departments: General Correspondence before 1906, United States of America
 FO 337, Foreign Office, Embassy and Consulates, Norway: General Correspondence
 FO 371, Foreign Office, Political Departments: General Correspondence

LIST OF PERSONS LISTE DES PERSONNALITÉS

Aberdeen and Temair, John Campbell Hamilton Gordon, Marquess of, Governor General (1893-1898)

Adam, Frederick Edward Fox, First Secretary, Treaty Department, Foreign Office, United Kingdom (1921-1929)

Allen, Joel Asaph, Curator of Mammalogy and Ornithology, American Museum of Natural History (1885-1907)

Amery, Leopold Charles Maurice Stennett, Member of Parliament, United Kingdom (1911-1945); First Lord of the Admiralty (1922-1924); Secretary of State for the Colonies (1924-1929); Secretary of State for Dominion Affairs (1925-1929)

Ami, Henri-Marc, Geological and Natural History Survey/ Geological Survey (1882-1911); Assistant Paleontologist (1891-1908 or 1909); Invertebrate Paleontologist (1908 or 1909-1911)

Amundsen, Roald Engelbregt Gravning, explorer

Anderson, John, Principal Clerk, North American and Australasian Department, Colonial Office, United Kingdom (1897-1904); Permanent Under-Secretary of State for the Colonies (1911-1915)

Anderson, Norman Russell, representative of Royal Canadian Air Force, Canadian Section, Permanent Joint Board on Defence (1942-1944)

Anderson, Rudolph Martin, explorer; second-in-command and chief scientist, Canadian Arctic Expedition (1913-1916); Biologist, Victoria Memorial Museum (1913-1920); Chief of Biology, Victoria Memorial Museum/ National Museum of Canada (1920-1946)

Anderson, William Patrick, Chief Engineer, Department of Marine/ Marine and Fisheries (1891-1919)

Anderton, Frederick A., Royal North-West/ Royal Canadian Mounted Police (1913-1937); Sergeant Commanding *St. Roch* Detachment (1928-1933); Canadian government representative on Bowdoin-MacMillan Arctic Expedition (1934)

Aberdeen et Temair, John Campbell Hamilton Gordon, marquis d', gouverneur général (1893-1898)

Adam, Frederick Edward Fox, premier secrétaire, Département des traités, Foreign Office, Royaume-Uni (1921-1929)

Allen, Joel Asaph, conservateur de la mammalogie et de l'ornithologie, Musée américain d'histoire naturelle (1885-1907)

Amery, Leopold Charles Maurice Stennett, député, Royaume-Uni (1911-1945); premier lord de l'Amirauté (1922-1924); secrétaire d'État aux Colonies (1924-1929); secrétaire d'État aux Affaires des Dominions (1925-1929)

Ami, Henri-Marc, Commission de géologie et d'histoire naturelle/ Commission géologique (1882-1911); paléontologue adjoint (1891-1908 ou 1909); paléontologue des invertébrés (1908 ou 1909-1911)

Amundsen, Roald Engelbregt Gravning, explorateur

Anderson, John, commis principal, Département de l'Amérique du Nord et de l'Australasie, ministère des Colonies, Royaume-Uni (1897-1904); sous-secrétaire d'État permanent aux Colonies (1911-1915)

Anderson, Norman Russell, représentant de l'Aviation royale canadienne, section canadienne, Commission permanente canado-américaine de défense (1942-1944)

Anderson, Rudolph Martin, explorateur; commandant en second et scientifique en chef, Expédition canadienne dans l'Arctique (1913-1916); biologiste, Musée commémoratif Victoria (1913-1920); chef de la biologie, Musée commémoratif Victoria/ Musée national du Canada (1920-1946)

Anderson, William Patrick, ingénieur en chef, ministère de la Marine/ de la Marine et des Pêcheries (1891-1919)

Anderton, Frederick A., Royale gendarmerie à cheval du Nord-Ouest/ du Canada (1913-1937); sergent commandant le détachement du *St. Roch* (1928-1933); représentant du gouvernement du Canada lors de l'expédition Bowdoin-MacMillan dans l'Arctique (1934)

Anglin, Francis Alexander, Chief Justice of Canada (1924-1933)

Anglin, Timothy Warren, Speaker of the House of Commons (1874-1879)

Anstead, Edward, Royal Canadian Mounted Police (1920-1947), Constable at Craig Harbour Detachment (1922-1924), Constable Commanding Dundas Harbour Detachment (1924-1926), Constable, Corporal Commanding Bache Peninsula Detachment (1927-1929)

Antrobus, Reginald, Assistant Under-Secretary of State for the Colonies, United Kingdom (1898-1909)

Armstrong, Charles Harold Algeo, barrister; Private Secretary to Prime Minister (1921)

Arnold, Henry Harley ("Hap"), Chief of United States Air Corps (1938-1941); Chief of United States Army Air Forces (1941-1942); Commanding General, United States Army Air Forces (1942-1946)

Arnold, Sydney, Baron, Parliamentary Under-Secretary of State for the Colonies, United Kingdom (1924)

Arthur, Prince, *see* Connaught

Atherton, Ray, Minister of United States (1943); Ambassador of United States (1943-1948)

Aubert, Ludvig Caesar Martin, Consul General of Norway (1917-1929)

Aylesworth, Allen Bristol, Minister of Justice (1906-1911)

Baillairgé, Charles-Philippe-Ferdinand, City Engineer, Québec (1866-1898)

Baldwin, John Russel, Special Assistant, Privy Council Office (1942); Assistant Secretary to War Committee of the Cabinet (ca. 1943-1945)

Balfour, Arthur James, Secretary of State for Foreign Affairs, United Kingdom (1916-1919)

Ball, Nicholas A., Librarian's Department, Foreign Office, United Kingdom (1896-1912)

Bartlett, Robert Abram, explorer; sailing master of DGS *Karluk*, Canadian Arctic Expedition (1913-1914)

Bartlett, Samuel Wilmot, sealing captain; sailing master of SS *Neptune*, government expedition (1903-1904)

Anglin, Francis Alexander, juge en chef du Canada (1924-1933)

Anglin, Timothy Warren, président de la Chambre des communes (1874-1879)

Anstead, Edward, Royale gendarmerie à cheval du Canada (1920-1947), gendarme au détachement de Craig Harbour (1922-1924), gendarme commandant le détachement de Dundas Harbour (1924-1926), gendarme, caporal commandant le détachement de la presqu'île Bache (1927-1929)

Antrobus, Reginald, sous-secrétaire d'État adjoint aux Colonies, Royaume-Uni (1898-1909)

Armstrong, Charles Harold Algeo, avocat, secrétaire particulier du premier ministre (1921)

Arnold, Henry Harley (« Hap »), commandant du corps aérien de l'armée des États-Unis (1938-1941); commandant des forces aériennes de l'armée des États-Unis (1941-1942), général commandant, forces aériennes de l'armée des États-Unis (1942-1946)

Arnold, Sydney, baron, sous-secrétaire d'État parlementaire aux Colonies, Royaumes-Uni (1924)

Arthur, Prince, *voir* Connaught

Atherton, Ray, ministre des États-Unis (1943); ambassadeur des États-Unis (1943-1948)

Aubert, Ludvig Caesar Martin, consul général de Norvège (1917-1929)

Aylesworth, Allen Bristol, ministre de la Justice (1906-1911)

Baillairgé, Charles-Philippe-Ferdinand, ingénieur de la cité, Québec (1866-1898)

Baldwin, John Russel, adjoint spécial, Bureau du Conseil privé (1942); secrétaire adjoint au Comité de guerre du Cabinet (vers 1943-1945)

Balfour, Arthur James, secrétaire d'État aux Affaires étrangères, Royaume-Uni (1916-1919)

Ball, Nicholas A., Département de la bibliothèque, Foreign Office, Royaume-Uni (1896-1912)

Bartlett, Robert Abram, explorateur, maître de navigation du DGS *Karluk*, Expedition canadienne dans l'Arctique (1913-1914)

Bartlett, Samuel Wilmot, capitaine de bateau pour la chasse au phoque, maître de navigation du SS *Neptune*, expedition du gouvernement (1903-1904)

Batterbee, Harry Fagg, Clerk, Colonial Office, United Kingdom (1905-1920); Principal (1920-1924); Assistant Secretary, Dominions Office (1925-1930); Assistant Under-Secretary of State for Dominion Affairs (1930-1938)

Beattie, John Robert, Deputy Chief of Research, Bank of Canada (1939-1944); Chief of Research (1944-1950)

Beaudry, Laurent, First Secretary, Legation in United States (1927-1929); Counsellor, Department of External Affairs (1929-1935); Assistant Under-Secretary of State for External Affairs (1935-1947); Associate Under-Secretary of State for External Affairs (1947-1948)

Beaverbrook, William Maxwell Aitken, Baron, owner of *Daily Express*; Minister of Aircraft Production, United Kingdom (1940-1941); Minister of Supply (1941-1942); Minister of War Production (1942); Lord Privy Seal (1943-1945)

Bedford, Frederick George Denham, Second Naval Lord, United Kingdom (1895-1899)

Bell, James Abbott Mackintosh, Geological Survey (1899-1900)

Bell, Robert, Chief Geologist, Geological Survey (1890-1901); Scientific Officer and geologist, government expedition in SS *Diana* (1897); Acting Director, Geological Survey (1901-1906)

Benckendorff, Alexander Konstantinovich, Count, Ambassador of Russia in United Kingdom (1903-1917)

Bennett, Richard Bedford, Prime Minister (1930-1935); Secretary of State for External Affairs (1930-1935)

Bernier, Joseph Elzéar, merchant captain and trader; sailing master of government expeditions in DGS/ CGS *Arctic* (1904-1905, 1922-1925); commander of government expeditions in DGS *Arctic* (1906-1911)

Berzin, Jan (or Yan) Antonovich, Deputy Head, Trade Mission of Union of Soviet Socialist Republics in United Kingdom (1923-1924)

Beuchat, Henri, Anthropologist, Canadian Arctic Expedition (1913-1914)

Biggar, Henry Percival, representative of Public Archives in Europe (1905-1938)

Batterbee, Harry Fagg, commis, ministère des Colonies, Royaume-Uni (1905-1924); secrétaire adjoint, Bureau des Dominions (1925-1930); sous-secrétaire d'État adjoint aux Affaires des Dominions (1930-1938)

Beattie, John Robert, chef adjoint de la recherche, Banque du Canada (1939-1944); chef de la recherche (1944-1950)

Beaudry, Laurent, premier secrétaire, légation aux États-Unis (1927-1929); conseiller, ministère des Affaires extérieures (1929-1935); sous-secrétaire d'État adjoint aux Affaires extérieures (1935-1947); sous-secrétaire d'État associé aux Affaires extérieures (1947-1948)

Beaverbrook, William Maxwell Aitken, baron, propriétaire du *Daily Express*; ministre de la Production d'aéronefs, Royaume-Uni (1940-1941); ministre du Ravitaillement (1941-1942); ministre de la Production de guerre (1942); Lord Garde du sceau privé (1943-1945)

Bedford, Frederick George Denham, deuxième lord naval, Royaume-Uni (1895-1899)

Bell, James Abbott Mackintosh, Commission géologique (1899-1900)

Bell, Robert, géologue en chef, Commission géologique (1890-1901); officier scientifique et géologue, expédition du gouvernement à bord du SS *Diana* (1897); directeur par intérim, Commission géologique (1901-1906)

Benckendorff, Alexander Konstantinovich, comte, ambassadeur de Russie au Royaume-Uni (1903-1917)

Bennett, Richard Bedford, premier ministre (1930-1935); secrétaire d'État aux Affaires extérieures (1930-1935)

Bernier, Joseph Elzéar, capitaine dans la marine marchande et négociant; maître de navigation des expéditions du gouvernement à bord du DGS/ CGS *Arctic* (1904-1905, 1922-1925); commandant des expéditions du gouvernement à bord du DGS *Arctic* (1906-1911)

Berzin, Jan (ou Yan) Antonovich, chef de mission adjoint, mission commerciale de l'Union des républiques socialistes soviétiques au Royaume-Uni (1923-1924)

Beuchat, Henri, anthropologue, Expédition canadienne dans l'Arctique (1913-1914)

Biggar, Henry Percival, représentant des Archives publiques en Europe (1905-1938)

Bissell, Clayton Lawrence, War Plans Division, General Staff, War Department, United States (1939-1941), member of Permanent Joint Board on Defence (1940-1942)

Blake, (Dominick) Edward, Minister of Justice (1875-1877), President of Privy Council (1877-1878)

Blake, Ernest Edward, Clerk, North American and Australian Department, Colonial Office, United Kingdom (1863-1881)

Blake, Samuel Hume, lawyer and philanthropist

Boggild, Johannes Erhardt, Consul General of Denmark (1924-1929)

Bogomoloff (or Bogomolov), Dmitri Vasilievich, First Secretary, Mission of Union of Soviet Socialist Republics in United Kingdom (1925-1927); Counsellor (1929-1933)

Bolton, Launcelot Lawrence, Secretary, Department of Mines (1919-1925); Assistant Deputy Minister of Mines (1925-1936)

Bompas, William Carpenter, Church of England missionary; Bishop of Athabasca (1874-1884); Bishop of Mackenzie River (1884-1891); Bishop of Selkirk (1891-1905)

Borden, Robert Laird, Leader of the Opposition (1901-1911); Prime Minister (1911-1920); President of Privy Council (1912-1917); Secretary of State for External Affairs (1912-1920)

Bordewick, Eivind, General Agent for Canadian Pacific Railway in Norway (1915-1931)

Bourke, Robert, Parliamentary Under-Secretary of State for Foreign Affairs, United Kingdom (1874-1880)

Bovey, Wilfrid, lawyer and philanthropist; Principal of McGill University (1924-1927)

Bowell, Mackenzie, Minister of Customs (1878-1891); Minister of Trade and Commerce (1892-1894); Prime Minister (1894-1896); President of Privy Council (1894-1896)

Bowhill, Frederick William, Air Officer Commanding Ferry Command, Royal Air Force (1941-1943)

Brabant, Angus, Fur Trade Commissioner, Hudson's Bay Company (1920-1927)

Bissell, Clayton Lawrence, Division des plans de guerre, état-major général, département de la Guerre, États-Unis (1939-1941), membre de la Commission permanente canado-américaine de défense (1940-1942)

Blake, (Dominick) Edward, ministre de la Justice (1875-1877), président du Conseil privé (1877-1878)

Blake, Ernest Edward, commis, Département de l'Amérique du Nord et de l'Australie, ministère des Colonies, Royaume-Uni (1863-1881)

Blake, Samuel Hume, avocat et philanthrope

Boggild, Johannes Erhardt, consul général du Danemark (1924-1929)

Bogomoloff (ou Bogomolov), Dmitri Vasilievich, premier secrétaire, mission de l'Union des républiques socialistes soviétiques au Royaume-Uni (1925-1927); conseiller (1929-1933)

Bolton, Launcelot Lawrence, secrétaire, ministère des Mines (1919-1925); sous-ministre adjoint des Mines (1925-1936)

Bompas, William Carpenter, missionnaire de l'Eglise d'Angleterre; évêque d'Athabasca (1874-1884); évêque, diocèse du fleuve Mackenzie (1884-1891); évêque de Selkirk (1891-1905)

Borden, Robert Laird, chef de l'opposition (1901-1911); premier ministre (1911-1920); président du Conseil privé (1912-1917); secrétaire d'Etat aux Affaires extérieures (1912-1920)

Bordewick, Eivind, agent général pour la Compagnie du chemin de fer canadien du Pacifique en Norvège (1915-1931)

Bourke, Robert, sous-secrétaire d'Etat parlementaire aux Affaires étrangères, Royaume-Uni (1874-1880)

Bovey, Wilfrid, avocat et philanthrope; directeur de l'Université McGill (1924-1927)

Bowell, Mackenzie, ministre des Douanes (1878-1891); ministre du Commerce (1892-1894); premier ministre (1894-1896); président du Conseil privé (1894-1896)

Bowhill, Frederick William, commandant, Royal Air Force Ferry Command (1941-1943)

Brabant, Angus, commissaire à la Traite des fourrures, Compagnie de la Baie d'Hudson (1920-1927)

Bramston, John, Assistant Under-Secretary of State for the Colonies, United Kingdom (1876-1898)

Breadner, Lloyd Samuel, Chief of the Air Staff (1940-1943)

Breadner, Robert Walker, Commissioner of Customs (1927-1933)

Brewer, Griffith, patent agent; aviator; director/ managing director, British Wright Company (1913-?)

Brock, Reginald Walter, Director, Geological Survey (1907-1914); Acting Deputy Minister of Mines (1908-1913); Deputy Minister of Mines (1914)

Brodeur, Louis-Philippe, Minister of Marine and Fisheries (1906-1911)

Brown, George MacLaren, General Manager in Europe, Canadian Pacific Railway (1910-1936)

Bruce, William Speirs, explorer and scientist

Bryn, Helmer Halvorsen, Consul General of Norway (1929-1933)

Burgess, Alexander Mackinnon, Deputy Minister of the Interior (1883-1897)

Burwash, Lachlan Taylor, Exploratory Engineer/ Investigator/ Chief Investigator, Northwest Territories and Yukon Branch, Department of the Interior (1923-1931); Officer in Charge of Eastern Arctic Patrol (1931)

Busby, Edward Scott, Chief Inspector of Customs/ Customs and Excise (1912-1929)

Bush, Kenneth Burman, Chief of Staff, Northwest Service Command, United States Army (1942-1944)

Bushe, Henry Grattan, Assistant Legal Adviser, Colonial Office, United Kingdom (1919-1931)

Byng of Vimy, Julian Hedworth George, Viscount, Governor General (1921-1926)

Byrd, Richard Evelyn, explorer; head of naval flying unit, MacMillan Arctic Expedition (1925)

Cadogan, George Henry, Earl, Parliamentary Under-Secretary of State for the Colonies, United Kingdom (1878-1880)

Calder, James Alexander, President of Privy Council (1920-1921)

Bramston, John, sous-secrétaire d'État adjoint aux Colonies, Royaume-Uni (1876-1898)

Breadner, Lloyd Samuel, chef d'état-major de l'air (1940-1943)

Breadner, Robert Walker, commissaire des Douanes (1927-1933)

Brewer, Griffith, agent de brevets; aviateur; directeur/ gestionnaire, British Wright Company (1913-?)

Brock, Reginald Walter, directeur, Commission géologique (1907-1914); sous-ministre par intérim des Mines (1908-1913); sous-ministre des Mines (1914)

Brodeur, Louis-Philippe, ministre de la Marine et des Pêcheries (1906-1911)

Brown, George MacLaren, directeur général en Europe, Compagnie du chemin de fer canadien du Pacifique (1910-1936)

Bruce, William Speirs, explorateur et scientifique

Bryn, Helmer Halvorsen, consul général de Norvège (1929-1933)

Burgess, Alexander Mackinnon, sous-ministre de l'Intérieur (1883-1897)

Burwash, Lachlan Taylor, ingénieur et explorateur/ enquêteur/ enquêteur en chef, Secteur des Territoires du Nord-Ouest et du Yukon, ministère de l'Intérieur (1923-1931); officier responsable de la patrouille de l'Arctique oriental (1931)

Busby, Edward Scott, inspecteur-chef des douanes/ des douanes et de l'accise (1912-1929)

Bush, Kenneth Burman, chef d'état-major, Northwest Service Command, armée des États-Unis (1942-1944)

Bushe, Henry Grattan, conseiller juridique adjoint, ministère des Colonies, Royaume-Uni (1919-1931)

Byng of Vimy, Julian Hedworth George, vicomte, gouverneur général (1921-1926)

Byrd, Richard Evelyn, explorateur; chef de l'unité aéronautique navale, expédition de MacMillan dans l'Arctique (1925)

Cadogan, George Henry, comte, sous-secrétaire d'État parlementaire aux Colonies, Royaume-Uni (1878-1880)

Calder, James Alexander, président du Conseil privé (1920-1921)

- Cameron, Edward Robert**, Registrar, Supreme Court of Canada (1898-1930)
- Campbell, Alexander**, Minister of Justice (1881-1885)
- Campbell, Peter C.**, Collector of Customs, Sydney, Nova Scotia (ca. 1910-ca. 1934)
- Campbell, Ronald Ian**, First Secretary, American and African Department, Foreign Office, United Kingdom (1923-1927)
- Camsell, Charles**, Deputy Minister of Mines (1920-1936); Deputy Minister of Mines and Resources (1936-1946); Commissioner of the Northwest Territories (1936-1946)
- Carnarvon, Henry Howard Molyneux Herbert**, Earl of, Secretary of State for the Colonies, United Kingdom (1874-1878)
- Cartwright, Richard John**, Minister of Trade and Commerce (1896-1911); Acting President of Privy Council (1897); Senator (1904-1912)
- Casey, Richard Gavin Gardiner**, political liaison with Foreign Office, United Kingdom, on behalf of Australia (1924-1931)
- Castle, William Richards, Jr.**, Chief of Division of Western European Affairs, Department of State, United States (1921-1927); Assistant Secretary of State (1927-1931)
- Caulkin, Thomas Benjamin**, Royal North-West Royal Canadian Mounted Police (1907-1942); Officer Commanding Arctic Western Arctic Sub-District, Herschel Island Aklavik (1924-1927)
- Chalifour, Joseph-Épiphané**, Chief Geographer, Department of the Interior (1911-1931)
- Challies, John Bow**, Superintendent of Water Power, Department of the Interior (1911-1925)
- Chamberlain, Joseph**, Secretary of State for the Colonies, United Kingdom (1895-1903)
- Chamberlain, Joseph Austen**, Secretary of State for Foreign Affairs, United Kingdom (1924-1929)
- Chilton, Henry Getty**, Counsellor, Embassy of United Kingdom in United States (1921-1924); Minister (1924-1928)
- Chipman, Clarence Campbell**, Commissioner in Canada, Hudson's Bay Company (1891-1911)
- Christie, David**, Speaker of the Senate (1874-1878)
- Christie, Loring Cheney**, Legal Adviser, Department of External Affairs (1913-1923)
- Cameron, Edward Robert**, registraire, Cour suprême du Canada (1898-1930)
- Campbell, Alexander**, ministre de la Justice (1881-1885)
- Campbell, Peter C.**, percepteur des douanes, Sydney, Nouvelle-Écosse (vers 1910-vers 1934)
- Campbell, Ronald Ian**, premier secrétaire, Département de l'Amérique et de l'Afrique, Foreign Office, Royaume-Uni (1923-1927)
- Camsell, Charles**, sous-ministre des Mines (1920-1936); sous-ministre des Mines et des Ressources (1936-1946); commissaire des Territoires du Nord-Ouest (1936-1946)
- Carnarvon, Henry Howard Molyneux Herbert**, comte de, secrétaire d'État aux Colonies, Royaume-Uni (1874-1878)
- Cartwright, Richard John**, ministre du Commerce (1896-1911); président par intérim du Conseil privé (1897); sénateur (1904-1912)
- Casey, Richard Gavin Gardiner**, liaison politique avec le Foreign Office, Royaume-Uni, au nom de l'Australie (1924-1931)
- Castle, William Richards, Jr.**, chef, Division des affaires de l'Europe de l'Ouest, département d'État, États-Unis (1921-1927); secrétaire d'État adjoint (1927-1931)
- Caulkin, Thomas Benjamin**, Royale gendarmerie à cheval du Nord-Ouest du Canada (1907-1942); officier commandant le sous-district arctique arctique occidental, île Herschel Aklavik (1924-1927)
- Chalifour, Joseph-Épiphané**, géographe en chef, ministère de l'Intérieur (1911-1931)
- Challies, John Bow**, surintendant des forces hydrauliques, ministère de l'Intérieur (1911-1925)
- Chamberlain, Joseph**, secrétaire d'État aux Colonies, Royaume-Uni (1895-1903)
- Chamberlain, Joseph Austen**, secrétaire d'État aux Affaires étrangères, Royaume-Uni (1924-1929)
- Chilton, Henry Getty**, conseiller, ambassade du Royaume-Uni aux États-Unis (1921-1924); ministre (1924-1928)
- Chipman, Clarence Campbell**, commissaire au Canada, Compagnie de la Baie d'Hudson (1891-1911)
- Christie, David**, président du Sénat (1874-1878)
- Christie, Loring Cheney**, conseiller juridique, ministère des Affaires extérieures (1913-1923)

Christie, Malcolm, Air Attaché, Embassy of United Kingdom in United States (1922-1926)

Churchill, Winston Leonard Spencer, Parliamentary Under-Secretary of State for the Colonies, United Kingdom (1905-1908); Secretary of State for the Colonies (1921-1922); Prime Minister (1940-1945)

Clark, Lewis, Second Secretary, Legation of United States (1943-1945); Chargé d'affaires (1943); First Secretary, Embassy of United States (1943-1945); Counsellor (1945-1946)

Clark, William Henry, High Commissioner of United Kingdom (1928-1935)

Clergue, Francis Hector, industrialist; founder of Algoma Steel

Clutterbuck, Peter Alexander, Assistant Principal, Colonial Office, United Kingdom (1922-1928); Private Secretary to Permanent Under-Secretary of State for Dominion Affairs (1928-1929); Principal, Dominions Office (1929-1939)

Collier, Laurence, First Secretary, Foreign Office, United Kingdom (1923-1932)

Comer, George, whaling captain

Connaught and Strathearn, His Royal Highness Arthur William Patrick Albert, Duke of, Governor General (1911-1916)

Constantine, Charles, North-West/ Royal North-West Mounted Police (1886-1912); Agent of Canadian Government in Yukon (1894); Officer Commanding Yukon District (1895-1898); Officer Commanding "G" Division, Fort Saskatchewan (1901-February 1902); Officer Commanding White Horse District (March-April 1902); Officer Commanding "G" Division, Fort Saskatchewan, and Edmonton District (May 1902-1904); Officer Commanding Mackenzie River District (1903-1904)

Cook, Frederick, explorer

Coolidge, Calvin, President of United States (1923-1929)

Cory, Thomas Lewis, Legal Officer (temporary), Department of Justice (1920-1923; assigned to Department of the Interior, 1922-1923); Legal Officer (temporary), Department of the Interior (1923-1928); Solicitor, Department of the Interior (1928-1936); Solicitor, Department of Mines and Resources (1936-1950)

Christie, Malcolm, attaché de l'aviation, ambassade du Royaume-Uni aux États-Unis (1922-1926)

Churchill, Winston Leonard Spencer, sous-secrétaire d'État parlementaire aux Colonies, Royaume-Uni (1905-1908); secrétaire d'État aux Colonies (1921-1922); premier ministre (1940-1945)

Clark, Lewis, deuxième secrétaire, légation des États-Unis (1943-1945); chargé d'affaires (1943); premier secrétaire, ambassade des États-Unis (1943-1945); conseiller (1945-1946)

Clark, William Henry, haut-commissaire du Royaume-Uni (1928-1935)

Clergue, Francis Hector, industriel; fondateur d'Algoma Steel

Clutterbuck, Peter Alexander, commis, ministère des Colonies, Royaume-Uni (1922-1928); secrétaire particulier du sous-secrétaire d'État permanent aux Affaires des Dominions (1928-1929); commis, Bureau des Dominions (1929-1939)

Collier, Laurence, premier secrétaire, Foreign Office, Royaume-Uni (1923-1932)

Comer, George, capitaine de baleinier

Connaught et Strathearn, Son Altesse Royale Arthur William Patrick Albert, duc de, gouverneur général (1911-1916)

Constantine, Charles, Police à cheval du Nord-Ouest/ Royale gendarmerie à cheval du Nord-Ouest (1886-1912); agent du gouvernement du Canada au Yukon (1894); officier commandant le district du Yukon (1895-1898); officier commandant la division « G », Fort Saskatchewan (1901-février 1902); officier commandant le district de White Horse (mars-avril 1902); officier commandant la division « G », Fort Saskatchewan, et le district d'Edmonton (mai 1902-1904); officier commandant le district du fleuve Mackenzie (1903-1904)

Cook, Frederick, explorateur

Coolidge, Calvin, président des États-Unis d'Amérique (1923-1929)

Cory, Thomas Lewis, officier juridique (temporaire), ministère de la Justice (1920-1923; assigné au ministère de l'Intérieur, 1922-1923); officier juridique (temporaire), ministère de l'Intérieur (1923-1928); avocat, ministère de l'Intérieur (1928-1936); avocat, ministère des Mines et des Ressources (1936-1950)

Cory, Wilfred Mayfield, Assistant Departmental Solicitor, Department of the Interior (1924-1936), Solicitor, Department of Mines and Resources (1936-1950)

Cory, William Wallace, Deputy Minister of the Interior (1905-1930), Commissioner of the Northwest Territories (1919-1931)

Costigan, John, Minister of Marine and Fisheries (1894-1896)

Côté, Joseph Arthur, Clerk, Department of the Interior (1882-1908)

Cox, Hugh Bertram, Assistant Under-Secretary of State for the Colonies, United Kingdom (1897-1911)

Craig, John Davidson, Engineer, Canadian Section, International Boundary Commission (1918-1924); Advisory Engineer, Northwest Territories Office Branch, Department of the Interior (1921-1922); Officer in Charge of government expeditions in C.G.S. *Arctic* (1922-1923); Surveyor General (1924-1931); International Boundary Commissioner (1925-1931)

Craigie, Robert Leslie, First Secretary, American and African Department, Foreign Office, United Kingdom (1925-1928); Counsellor and Head of American and African Department (1928-1930) and American Department (1930-1935)

Crawford, Allan Rudyard, leader of Vilhjalmur Stefansson's Wrangel Island expedition (1921-1923)

Crerar, Henry Duncan Graham, General Staff, Department of National Defence (1929-1933)

Crerar, Thomas, Minister of the Interior (1935-1936)

Crewe, Robert Crewe-Milnes, Earl of, Secretary of State for the Colonies, United Kingdom (1908-1910)

Croil, George Mitchell, Senior Air Officer, Royal Canadian Air Force (1934-1938)

Crowe, Eyre Alexander Barby Wichart, Permanent Under-Secretary of State for Foreign Affairs, United Kingdom (1920-1925)

Cuffe, Albert Abraham Lawson, Air Member for Air Staff, Royal Canadian Air Force (1940-1943); member of Permanent Joint Board on Defence (1940-1941)

Cory, Wilfred Mayfield, avocat adjoint de ministère, ministère de l'Intérieur (1924-1936), avocat, ministère des Mines et des Ressources (1936-1950)

Cory, William Wallace, sous-ministre de l'Intérieur (1905-1930), commissaire des Territoires du Nord-Ouest (1919-1931)

Costigan, John, ministre de la Marine et des Pêcheries (1894-1896)

Côté, Joseph Arthur, commis, ministère de l'Intérieur (1882-1908)

Cox, Hugh Bertram, sous-secrétaire d'État adjoint aux Colonies, Royaume-Uni (1897-1911)

Craig, John Davidson, ingénieur, section canadienne, Commission de la frontière internationale (1918-1924); ingénieur conseil, Bureau Secteur des Territoires du Nord-Ouest, ministère de l'Intérieur (1921-1922), officier responsable des expéditions du gouvernement à bord du C.G.S. *Arctic* (1922-1923); arpenteur général (1924-1931); commissaire de la frontière internationale (1925-1931)

Craigie, Robert Leslie, premier secrétaire, Département de l'Amérique et de l'Afrique, Foreign Office, Royaume-Uni (1925-1928), conseiller et chef du Département de l'Amérique et de l'Afrique (1928-1930) et du Département de l'Amérique (1930-1935)

Crawford, Allan Rudyard, chef, expédition de Vilhjalmur Stefansson à l'île Wrangel (1921-1923)

Crerar, Henry Duncan Graham, état-major général, ministère de la Défense nationale (1929-1933)

Crerar, Thomas, ministre de l'Intérieur (1935-1936)

Crewe, Robert Crewe-Milnes, comte de, secrétaire d'État aux Colonies, Royaume-Uni (1908-1910)

Croil, George Mitchell, officier supérieur de l'aviation, Aviation royale canadienne (1934-1938)

Crowe, Eyre Alexander Barby Wichart, sous-secrétaire d'État permanent aux Affaires étrangères, Royaume-Uni (1920-1925)

Cuffe, Albert Abraham Lawson, représentant de l'état-major de l'air, Aviation royale canadienne (1940-1943), membre de la Commission permanente canado-américaine de défense (1940-1941)

Curzon of Kedleston, George Nathaniel, Earl/Marquess, Acting Secretary of State for Foreign Affairs, United Kingdom (1919); Secretary of State for Foreign Affairs (1919-1924)

Cushendun, Ronald John McNeill, Baron, Chancellor of the Duchy of Lancaster, United Kingdom (1927-1929); Acting Secretary of State for Foreign Affairs (1928)

Dale, Harold Edward, Clerk, North American and Australasian Department, Colonial Office, United Kingdom (1901-1906)

Daly, Kenneth Robinson, Departmental Solicitor, Department of the Interior (1919-1936); Senior Solicitor, Department of Mines and Resources (1936-1948)

Daly, Thomas Mayne, Minister of the Interior and Superintendent General of Indian Affairs (1892-1896)

Darnley, Ernest Rowland, Assistant Secretary, Colonial Office, United Kingdom (1920-1932)

Daugaard-Jensen, Jens, Director of Greenland Administration, Denmark (1912-1938)

Davidson, William Edward, Legal Adviser, Foreign Office, United Kingdom (1886-1918)

Davies, David Charles, Director, Field Museum of Natural History, Chicago (1921-1928)

Davies, Louis Henry, Minister of Marine and Fisheries (1896-1901); Chief Justice of Canada (1918-1924)

Davis, Charles Thomas, Clerk, Colonial Office, United Kingdom (1905-1916); Principal Clerk, Dominions Division (1916-1920); Assistant Secretary, Dominions Division (1920-1921); Assistant Under-Secretary of State, Dominions Division (1921-1925); Permanent Under-Secretary of State for Dominion Affairs (1925-1930)

Dawson, George Mercer, Geological Survey/Geological and Natural History Survey (1875-1901); Assistant Director (1883-1895); Acting Director (1885-1886); Director (1895-1901)

Dealtry, William, Principal Clerk, North American and Australian Department, Colonial Office, United Kingdom (1867-1879)

de Bernhardt, Gaston, Assistant, Librarian's Department, Foreign Office, United Kingdom (1905-1914)

Curzon of Kedleston, George Nathaniel, comte marquis, secrétaire d'État par intérim aux Affaires étrangères, Royaume-Uni (1919); secrétaire d'État aux Affaires étrangères (1919-1924)

Cushendun, Ronald John McNeill, baron, chancelier du duché de Lancastre, Royaume-Uni (1927-1929); secrétaire d'État par intérim aux Affaires extérieures (1928)

Dale, Harold Edward, commis, Département de l'Amérique du Nord et de l'Australasie, ministère des Colonies, Royaume-Uni (1901-1906)

Daly, Kenneth Robinson, avocat de ministère, ministère de l'Intérieur (1919-1936); avocat senior de ministère, ministère des Mines et des Ressources (1936-1948)

Daly, Thomas Mayne, ministre de l'Intérieur et surintendant général des Affaires indiennes (1892-1896)

Darnley, Ernest Rowland, secrétaire adjoint, ministère des Colonies, Royaume-Uni (1920-1932)

Daugaard-Jensen, Jens, directeur, administration du Groenland, Danemark (1912-1938)

Davidson, William Edward, conseiller juridique, Foreign Office, Royaume-Uni (1886-1918)

Davies, David Charles, directeur, Musée Field d'histoire naturelle, Chicago (1921-1928)

Davies, Louis Henry, ministre de la Marine et des Pêcheries (1896-1901); juge en chef du Canada (1918-1924)

Davis, Charles Thomas, commis, ministère des Colonies, Royaume-Uni (1905-1916); commis principal, Division des Dominions (1916-1920); secrétaire adjoint, Division des Dominions (1920-1921); sous-secrétaire d'État adjoint, Division des Dominions (1921-1925); sous-secrétaire d'État permanent aux Affaires des Dominions (1925-1930)

Dawson, George Mercer, Commission géologique, Commission de géologie et d'histoire naturelle (1875-1901); directeur adjoint (1883-1895); directeur par intérim (1885-1886); directeur (1895-1901)

Dealtry, William, commis principal, Département de l'Amérique du Nord et de l'Australie, ministère des Colonies, Royaume-Uni (1867-1879)

de Bernhardt, Gaston, adjoint, Département de la bibliothèque, Foreign Office, Royaume-Uni (1905-1914)

de Carteret, Samuel Laurence, Deputy Minister of National Defence for Air (1941-1944)

Dennis, John Stoughton, Surveyor General (1871-1878), Deputy Minister of the Interior (1878-1880)

Derby, Frederick Arthur Stanley, Earl of, Secretary of State for the Colonies, United Kingdom (1882-1885), Governor General (1888-1893)

Desbarats, George Joseph, Acting Deputy Minister of Marine and Fisheries (1908-1909), Deputy Minister of Marine and Fisheries (1909-1910), Deputy Minister of the Naval Service (1910-1922), Acting Deputy Minister of Militia and Defence (1922), Acting Deputy Minister of National Defence (1923-1924), Deputy Minister of National Defence (1924-1932)

Désy, Jean, Counsellor, Department of External Affairs (1925-1928)

Déville, Édouard, Surveyor General (1885-1924)

Devonshire, Victor Christian William Cavendish, Duke of, Governor General (1916-1921), Secretary of State for the Colonies, United Kingdom (1922-1924)

Dewdney, Edgar, Minister of the Interior (1888-1892)

Dixon, Charles William, Principal, Colonial Office Dominions Office, United Kingdom (1920-1927), Assistant Secretary, Dominions Office (1927-1940)

Donaldson, Ralph Morton Lemon, North-West Royal North-West Mounted Police (1900-1908)

Doughty, Arthur George, Dominion Archivist (1904-1935)

Douglas, Henry Percy, Hydrographer, Royal Navy, United Kingdom (1924-1932)

Doyle, Philip Ernest, Royal North-West Royal Canadian Mounted Police (1912-1917, 1919-1924, 1940-1952), Assistant Surgeon, Arctic Sub-District (1923-1924)

Drake, Edward Fisher, Director, Reclamation Service, Department of the Interior (1918-1923)

Drummond, Leonard Edmondson, Secretary-Manager, Alberta and Northwest Chamber of Mines (1936-1953)

Dubuc, Lucien, Stipendiary Magistrate, Northwest Territories (1922-1932)

de Carteret, Samuel Laurence, sous-ministre de la Défense nationale pour l'air (1941-1944)

Dennis, John Stoughton, arpenteur général (1871-1878), sous-ministre de l'Intérieur (1878-1880)

Derby, Frederick Arthur Stanley, comte de, secrétaire d'État aux Colonies, Royaume-Uni (1882-1885), gouverneur général (1888-1893)

Desbarats, George Joseph, sous-ministre par intérim de la Marine et des Pêcheries (1908-1909), sous-ministre de la Marine et des Pêcheries (1909-1910), sous-ministre du Service naval (1910-1922), sous-ministre par intérim de la Milice et de la Défense (1922), sous-ministre par intérim de la Défense nationale (1923-1924), sous-ministre de la Défense nationale (1924-1932)

Désy, Jean, conseiller, ministère des Affaires extérieures (1925-1928)

Déville, Édouard, arpenteur général (1885-1924)

Devonshire, Victor Christian William Cavendish, duc de, gouverneur général (1916-1921), secrétaire d'État aux Colonies, Royaume-Uni (1922-1924)

Dewdney, Edgar, ministre de l'Intérieur (1888-1892)

Dixon, Charles William, commis, ministère des Colonies - Bureau des Dominions, Royaume-Uni (1920-1927), secrétaire adjoint, Bureau des Dominions (1927-1940)

Donaldson, Ralph Morton Lemon, Gendarmerie à cheval du Nord-Ouest - Royale gendarmerie à cheval du Nord-Ouest (1900-1908)

Doughty, Arthur George, archiviste du Dominion (1904-1935)

Douglas, Henry Percy, hydrographe, Marine royale, Royaume-Uni (1924-1932)

Doyle, Philip Ernest, Royale gendarmerie à cheval du Nord-Ouest - du Canada (1912-1917, 1919-1924, 1940-1952), médecin, sous-district arctique (1923-1924)

Drake, Edward Fisher, directeur, Service d'assainissement, ministère de l'Intérieur (1918-1923)

Drummond, Leonard Edmondson, secrétaire-directeur, chambre des mines de l'Alberta et du Nord-Ouest (1936-1953)

Dubuc, Lucien, magistrat stipendiaire, Territoires du Nord-Ouest (1922-1932)

Dufferin, Frederick Temple Hamilton-Temple-Blackwood, Earl of (later Marquess of Dufferin and Ava), Governor General (1872-1878)

Dumas, Pierre, Department of External Affairs (1948-1985); Legal Division (1948-1949)

Durand, Henry Mortimer, Ambassador of United Kingdom in United States (1903-1906)

Edwards, Charles Peter, Deputy Minister of Transport (1941-1948)

Edwards, William Cameron, Senator (1903-1921)

Edwards, William Stuart, Assistant Deputy Minister and Secretary, Department of Justice (1914-1924); Deputy Minister of Justice (1924-1941)

Elgin, Victor Alexander Bruce, Earl of, Secretary of State for the Colonies, United Kingdom (1905-1908)

Ellis, Walter Devonshire, Clerk, Colonial Office, United Kingdom (1895-1909); Principal Clerk (1909-1920); Assistant Secretary (1920-1931)

Enukidze, Avel Safronovich, Secretary of Central Executive Committee, Russian Soviet Federated Socialist Republic/ Union of Soviet Socialist Republics (1918-1935)

Ervin, Robert G., Assistant Military Attaché for Air, Legation of the United States (1942-1943)

Esmarch, August Wilhelm Stjernstedt, Secretary General, Ministry of Foreign Affairs, Norway (1922-1935)

Evans, Frederick John O., Hydrographer, Royal Navy, United Kingdom (1874-1884)

Fairman, Charles George, Royal Canadian Mounted Police (1920-1927, 1930-1938)

Farrow, Robinson Russell, Deputy Minister of Customs and Inland Revenue (1919-1921); Commissioner/ Deputy Minister of Customs and Excise (1921-1927)

Ferguson, George Howard, Premier of Ontario (1923-1930); High Commissioner in United Kingdom (1930-1935)

Fiddes, George Vandeleur, Permanent Under-Secretary of State for the Colonies, United Kingdom (1916-1921)

Fiddian, Alexander, Clerk, Colonial Office, United Kingdom (1897-1917); Principal Clerk (1917-1920); Assistant Secretary (1920-1935)

Dufferin, Frederick Temple Hamilton-Temple-Blackwood, comte de (plus tard, marquis de Dufferin et Ava), gouverneur général (1872-1878)

Dumas, Pierre, ministère des Affaires extérieures (1948-1985); Direction des affaires juridiques (1948-1949)

Durand, Henry Mortimer, ambassadeur du Royaume-Uni aux États-Unis (1903-1906)

Edwards, Charles Peter, sous-ministre des Transports (1941-1948)

Edwards, William Cameron, sénateur (1903-1921)

Edwards, William Stuart, sous-ministre adjoint et secrétaire, ministère de la Justice (1914-1924); sous-ministre de la Justice (1924-1941)

Elgin, Victor Alexander Bruce, comte d', secrétaire d'Etat aux Colonies, Royaume-Uni (1905-1908)

Ellis, Walter Devonshire, commis, ministère des Colonies, Royaume-Uni (1895-1909); commis principal (1909-1920); secrétaire adjoint (1920-1931)

Enukidze, Avel Safronovich, secrétaire du Comité central exécutif de la République socialiste fédérative soviétique de Russie/ Union des républiques socialistes soviétiques (1918-1935)

Ervin, Robert G., attaché militaire adjoint pour l'air, légation des États-Unis (1942-1943)

Esmarch, August Wilhelm Stjernstedt, secrétaire général, ministère des Affaires étrangères, Norvège (1922-1935)

Evans, Frederick John O., hydrographe, Marine royale, Royaume-Uni (1874-1884)

Fairman, Charles George, Royale gendarmerie à cheval du Canada (1920-1927, 1930-1938)

Farrow, Robinson Russell, sous-ministre des Douanes et du Revenu intérieur (1919-1921); commissaire/ sous-ministre des Douanes et de l'Accise (1921-1927)

Ferguson, George Howard, premier ministre de l'Ontario (1923-1930); haut-commissaire au Royaume-Uni (1930-1935)

Fiddes, George Vandeleur, sous-secrétaire d'État permanent aux Colonies, Royaume-Uni (1916-1921)

Fiddian, Alexander, commis, ministère des Colonies, Royaume-Uni (1897-1917); commis principal (1917-1920); secrétaire adjoint (1920-1935)

Fielder, Leonard Frank, Royal Canadian Mounted Police (1920-1947)

Finnie, Oswald Sterling, Director, Northwest Territories Office Northwest Territories Branch Northwest Territories and Yukon Branch, Department of the Interior (1920-1921-1931)

Fitzgerald, Francis Joseph, North-West Royal North-West Mounted Police (1888-1911)

Fitzpatrick, Charles, Minister of Justice (1902-1906); Chief Justice of Canada (1906-1918)

Forrest, Alexander, Collector of Customs and Excise, Dawson (ca. 1919-ca. 1925)

Fortescue, Lawrence, Chief Clerk, North-West Royal North-West Mounted Police (1892-1913); Comptroller, Royal North-West Mounted Police (1913-1917)

Foster, William Wasbrough, Special Commissioner for Defence Projects in Northwest Canada (1943-1945)

Found, William Ambrose, Clerk, Department of Marine and Fisheries (1900-1911); Superintendent Director of Fisheries (1911-1928); Deputy Minister of Fisheries (1928-1939)

Freeman, Wilfrid Rhodes, Vice-Chief of Air Staff, United Kingdom (1940-1942)

Freuchen, Lorenz Peter Elfred, explorer

Friel, Hugh Patrick, Royal Canadian Mounted Police (dates unknown; his service began before 1922 and ended no later than 1933)

Gaffney, Dale Vincent, Commanding Officer, Alaskan Wing Division, Air Transport Command, United States Army Air Forces (1943-1946)

Gascoigne (Trench-Gascoigne), Alvary Douglas Frederick, Second Secretary, Legation of United Kingdom in Norway (1928-1930)

Geddes, Auckland Campbell, Ambassador of United Kingdom in United States (1920-1924)

Fielder, Leonard Frank, Royale gendarmerie à cheval du Canada (1920-1947)

Finnie, Oswald Sterling, directeur, Bureau des Territoires du Nord-Ouest, Secteur des Territoires du Nord-Ouest, Secteur des Territoires du Nord-Ouest et du Yukon, ministère de l'Intérieur (1920-1921-1931)

Fitzgerald, Francis Joseph, Police à cheval du Nord-Ouest, Royale gendarmerie à cheval du Nord-Ouest (1888-1911)

Fitzpatrick, Charles, ministre de la Justice (1902-1906); juge en chef du Canada (1906-1918)

Forrest, Alexander, percepteur des douanes et de l'accise, Dawson (vers 1919-vers 1925)

Fortescue, Lawrence, premier commis, Police à cheval du Nord-Ouest, Royale gendarmerie à cheval du Nord-Ouest (1892-1913), contrôleur, Royale gendarmerie à cheval du Nord-Ouest (1913-1917)

Foster, William Wasbrough, commissaire spécial pour les projets de défense dans le Nord-Ouest du Canada (1943-1945)

Found, William Ambrose, commis, ministère de la Marine et des Pêcheries (1900-1911); surintendant directeur des Pêcheries (1911-1928), sous-ministre des Pêcheries (1928-1939)

Freeman, Wilfrid Rhodes, chef adjoint de l'état-major aérien, Royaume-Uni (1940-1942)

Freuchen, Lorenz Peter Elfred, explorateur

Friel, Hugh Patrick, Royale gendarmerie à cheval du Canada (dates inconnues; entrée en fonction avant 1922, cessant au plus tard en 1933)

Gaffney, Dale Vincent, commandant, Alaskan Wing division de l'Alaska, commandement du transport aérien, forces aériennes de l'armée des États-Unis (1943-1946)

Gascoigne (Trench-Gascoigne), Alvary Douglas Frederick, deuxième secrétaire, légation du Royaume-Uni en Norvège (1928-1930)

Geddes, Auckland Campbell, ambassadeur du Royaume-Uni aux États-Unis (1920-1924)

Gibson, Roy Alexander, Assistant Deputy Minister, Department of the Interior (1919-1936); Director, Lands, Parks and Forests Branch, Department of Mines and Resources (1936-1947); Director, Lands and Development Services Branch, Department of Mines and Resources (1947-1950); Deputy Commissioner of the Northwest Territories (1921-1950); Acting Commissioner of the Northwest Territories (1934-1936)

Giffard, Hardinge Stanley, Solicitor-General, United Kingdom (1874-1880)

Gordon, Herbert Ford, Assistant Deputy Minister of National Defence for Air (1941-1944)

Gorst, Eldon, Assistant Under-Secretary of State for Foreign Affairs, United Kingdom (1904-1907)

Goschen, George Joachim, First Lord of the Admiralty, United Kingdom (1895-1900)

Goschen, William Edward, Minister of United Kingdom in Denmark (1900-1905)

Gouin, Joseph-Alfred-Lomer, Minister of Justice (1921-1924)

Gould, Laurence McKinley, Assistant Professor of Geology, University of Michigan (1926-1930); Assistant Director and geographer, Putnam Baffin Island Expedition (1927); Professor of Geology, Carleton College (1932-1945); Chief, Arctic Section, Arctic, Desert and Tropic Information Center, United States Army Air Forces (1942-1944)

Gourdeau, François Frédéric, Deputy Minister of Marine and Fisheries (1896-1909)

Graham, Maxwell Henry, Director of Park Animals, Dominion Parks Branch, Department of the Interior (1919-1921); Head of Game Division, Northwest Territories Branch (1922-1923); Head of Wildlife Division, Northwest Territories and Yukon Branch (1923-1927)

Graling, Francis John, Assistant Military Attaché, Legation of United States (1941-1943); Military Attaché, Embassy of United States (1943-1946)

Grant, Madison, lawyer and conservationist

Granville, Granville George Leveson-Gower, 2nd Earl, Secretary of State for Foreign Affairs, United Kingdom (1851-1852, 1870-1874, 1880-1885)

Granville, Granville George Leveson-Gower, 3rd Earl, Minister of United Kingdom in Denmark (1921-1926)

Gibson, Roy Alexander, sous-ministre adjoint, ministère de l'Intérieur (1919-1936); directeur, Secteur des terres, parcs et forêts, ministère des Mines et des Ressources (1936-1947); directeur, Secteur des terres et des services de développement, ministère des Mines et des Ressources (1947-1950); commissaire adjoint des Territoires du Nord-Ouest (1921-1950); commissaire par intérim des Territoires du Nord-Ouest (1934-1936)

Giffard, Hardinge Stanley, solliciteur général, Royaume-Uni (1874-1880)

Gordon, Herbert Ford, sous-ministre adjoint de la Défense nationale pour l'air (1941-1944)

Gorst, Eldon, sous-secrétaire d'État adjoint aux Affaires étrangères, Royaume-Uni (1904-1907)

Goschen, George Joachim, premier lord de l'Amirauté, Royaume-Uni (1895-1900)

Goschen, William Edward, ministre du Royaume-Uni au Danemark (1900-1905)

Gouin, Joseph-Alfred-Lomer, ministre de la Justice (1921-1924)

Gould, Laurence McKinley, professeur de géologie adjoint, Université du Michigan (1926-1930); directeur adjoint et géographe, expédition Putnam à l'île de Baffin (1927); professeur de géologie, Carleton College (1932-1945); chef, section de l'Arctique, centre d'information sur l'Arctique, le désert et les Tropiques, forces aériennes de l'armée des États-Unis (1942-1944)

Gourdeau, François Frédéric, sous-ministre de la Marine et des Pêcheries (1896-1909)

Graham, Maxwell Henry, directeur des animaux du parc, Secteur des parcs fédéraux, ministère de l'Intérieur (1919-1921); chef, Direction du gibier, Secteur des Territoires du Nord-Ouest (1922-1923); chef, Direction du gibier, Secteur des Territoires du Nord-Ouest et du Yukon (1923-1927)

Graling, Francis John, attaché militaire adjoint, légation des États-Unis (1941-1943); attaché militaire, ambassade des États-Unis (1943-1946)

Grant, Madison, avocat et protecteur de l'environnement

Granville, Granville George Leveson-Gower, 2^e comte, secrétaire d'État aux Affaires étrangères, Royaume-Uni (1851-1852, 1870-1874, 1880-1885)

Granville, Granville George Leveson-Gower, 3^e comte, ministre du Royaume-Uni au Danemark (1921-1926)

- Gregory, John Duncan**, Assistant Secretary and Head of Northern Department, Foreign Office, United Kingdom (1920-1925); Assistant Under-Secretary of State for Foreign Affairs (1925-1928)
- Gregory, John Uriah**, Agent of Department of Marine and Fisheries, Québec (1885-1909)
- Grevenkop-Castenskiold, Henrik**, Minister of Denmark in United Kingdom (1912-1921)
- Grew, Joseph Clark**, Undersecretary of State, United States (1924-1927)
- Grey, Albert Henry George**, Earl, Governor General (1904-1911)
- Grey, Edward**, Secretary of State for Foreign Affairs, United Kingdom (1905-1916)
- Griesbach, Arthur Henry**, North-West Mounted Police (1873-1903); Officer Commanding "G" Division, Fort Saskatchewan (1886-1901)
- Griffith, William Linney**, Secretary, High Commission in United Kingdom (1903-1921)
- Grosvenor, Gilbert Hovey**, editor of *National Geographic* (1899-1954); President of National Geographic Society (1920-1954)
- Gurney, Kenneth Temple**, Second Secretary, Western Department, Foreign Office, United Kingdom (1927-1930)
- Guthrie, Hugh**, Minister of Justice (1930-1935)
- Guthrie, Kenneth McGregor**, Deputy Air Member for Air Staff (Plans), Royal Canadian Air Force (1943-1944)
- Hadow, Robert Henry**, First Secretary, High Commission of United Kingdom (1928-1931)
- Haig-Thomas, David**, ornithologist; member of Oxford University Ellesmere Land Expedition (1934-1935); leader of expedition (1937-1938)
- Hall, Robert**, Naval Secretary to Admiralty, United Kingdom (1872-1882)
- Hambro, Carl Joachim**, President of Storting, Norway (1926-1934, 1935-1940); chair of Standing Committee on Foreign and Constitutional Affairs (1925-1945)
- Hamilton, Charles H.**, Secretary, North American Transportation and Trading Company
- Hankinson, Walter Crossfield**, Assistant Private Secretary to Secretary of State for the Colonies, United Kingdom (1923-1925)
- Gregory, John Duncan**, secrétaire adjoint et chef, Département du Nord, Foreign Office, Royaume-Uni (1920-1925); sous-secrétaire d'État adjoint aux Affaires étrangères (1925-1928)
- Gregory, John Uriah**, agent du ministère de la Marine et des Pêcheries, Québec (1885-1909)
- Grevenkop-Castenskiold, Henrik**, ministre du Danemark au Royaume-Uni (1912-1921)
- Grew, Joseph Clark**, sous-secrétaire d'État, États-Unis (1924-1927)
- Grey, Albert Henry George**, comte, gouverneur général (1904-1911)
- Grey, Edward**, secrétaire d'État aux Affaires étrangères, Royaume-Uni (1905-1916)
- Griesbach, Arthur Henry**, Police Gendarmerie à cheval du Nord-Ouest (1873-1903); officier commandant la division « G », Fort Saskatchewan (1886-1901)
- Griffith, William Linney**, secrétaire, haut-commissariat au Royaume-Uni (1903-1921)
- Grosvenor, Gilbert Hovey**, rédacteur en chef, *National Geographic* (1899-1954); président, National Geographic Society (1920-1954)
- Gurney, Kenneth Temple**, deuxième secrétaire, Département de l'Ouest, Foreign Office, Royaume-Uni (1927-1930)
- Guthrie, Hugh**, ministre de la Justice (1930-1935)
- Guthrie, Kenneth McGregor**, représentant adjoint de l'état-major de l'air (planification), Aviation royale canadienne (1943-1944)
- Hadow, Robert Henry**, premier secrétaire, haut-commissariat du Royaume-Uni (1928-1931)
- Haig-Thomas, David**, ornithologue; membre de l'expédition de l'Université d'Oxford à l'île d'Ellesmere (1934-1935); chef d'expédition (1937-1938)
- Hall, Robert**, secrétaire naval de l'Amirauté, Royaume-Uni (1872-1882)
- Hambro, Carl Joachim**, président du Storting, Norvège (1926-1934, 1935-1940); président du Comité permanent des affaires étrangères et constitutionnelles (1925-1945)
- Hamilton, Charles H.**, secrétaire, North American Transportation and Trading Company
- Hankinson, Walter Crossfield**, secrétaire particulier adjoint du secrétaire d'État aux Colonies, Royaume-Uni (1923-1925)

Harcourt, Lewis Vernon, Secretary of State for the Colonies, United Kingdom (1910-1915)

Harding, Edward John, Assistant Under-Secretary of State for Dominion Affairs, United Kingdom (1925-1930); Permanent Under-Secretary of State for Dominion Affairs (1930-1939)

Harding, Warren Gamaliel, President of United States (1921-1923)

Hardinge, Charles, Assistant Under-Secretary of State for Foreign Affairs, United Kingdom (1903-1904); Permanent Under-Secretary of State for Foreign Affairs (1906-1910, 1916-1920)

Harkin, James Bernard, Commissioner of Dominion/ National Parks (1911-1936)

Harris, Arthur Travers, Deputy Chief of the Air Staff, United Kingdom (1940-1941); Head, Royal Air Force Delegation, Joint Staff Mission of United Kingdom in Washington (1941-1942)

Harvey, Augustus William, businessman; Member of Legislative Council, Newfoundland (1870-1895)

Hayes, George, First Officer, DGS *Arctic* (1906-1907)

Hazen, John Douglas, Minister of Marine and Fisheries and the Naval Service (1911-1917)

Heakes, Francis Vernon, representative of Royal Canadian Air Force, Canadian Section, Permanent Joint Board on Defence (1942)

Healy, John Jerome, trader

Healy, Michael Augustine, United States Revenue Cutter Service (1865-1903)

Henderson, Arthur, Secretary of State for Foreign Affairs, United Kingdom (1929-1931)

Henderson, Francis Dillon, surveyor and engineer, Department of the Interior (1908-1936); Officer in Charge of Eastern Arctic Patrol (1924)

Henry, Guy Vernor, Jr., Senior United States Army Member, Permanent Joint Board on Defence (1942-1947); Acting Chairman, United States Section, Permanent Joint Board on Defence (1948-1952)

Herbert, Robert George Wyndham, Permanent Under-Secretary of State for the Colonies, United Kingdom (1871-1892)

Harcourt, Lewis Vernon, secrétaire d'État aux Colonies, Royaume-Uni (1910-1915)

Harding, Edward John, sous-secrétaire d'État adjoint aux Affaires des Dominions, Royaume-Uni (1925-1930); sous-secrétaire d'État permanent aux Affaires des Dominions (1930-1939)

Harding, Warren Gamaliel, président des États-Unis d'Amérique (1921-1923)

Hardinge, Charles, sous-secrétaire d'État adjoint aux Affaires étrangères, Royaume-Uni (1903-1904); sous-secrétaire d'État permanent aux Affaires étrangères (1906-1910, 1916-1920)

Harkin, James Bernard, commissaire des Parcs fédéraux/ nationaux (1911-1936)

Harris, Arthur Travers, chef adjoint de l'état-major aérien, Royaume-Uni (1940-1941); chef, délégation de la Royal Air Force, mission conjointe des états-majors du Royaume-Uni à Washington (1941-1942)

Harvey, Augustus William, homme d'affaires; membre du Conseil législatif de Terre-Neuve (1870-1895)

Hayes, George, capitaine en second, CGS *Arctic* (1906-1907)

Hazen, John Douglas, ministre de la Marine et des Pêcheries et du Service naval (1911-1917)

Heakes, Francis Vernon, représentant de l'Aviation royale canadienne, section canadienne, Commission permanente canado-américaine de défense (1942)

Healy, John Jerome, négociant

Healy, Michael Augustine, United States Revenue Cutter Service (1865-1903)

Henderson, Arthur, secrétaire d'État aux Affaires étrangères, Royaume-Uni (1929-1931)

Henderson, Francis Dillon, arpenteur et ingénieur, ministère de l'Intérieur (1908-1936); officier responsable de la patrouille de l'Arctique oriental (1924)

Henry, Guy Vernor, Jr., représentant principal de l'armée des États-Unis, Commission permanente canado-américaine de défense (1942-1947); président par intérim, section des États-Unis, Commission permanente canado-américaine de défense (1948-1952)

Herbert, Robert George Wyndham, sous-secrétaire d'État permanent aux Colonies, Royaume-Uni (1871-1892)

Herchmer, Lawrence William, Commissioner, North-West Mounted Police (1886-1900)

Herridge, William Duncan, Minister in United States (1931-1935)

Hickerson, John Dewey, Assistant Chief, Division of European Affairs, Department of State, United States (1937-1944); Secretary, United States Section, Permanent Joint Board on Defence (1940-1946)

Hicks Beach, Michael Edward, Secretary of State for the Colonies, United Kingdom (1878-1880)

Hoare, Samuel, Secretary of State for Air, United Kingdom (1922-1924, 1924-1929, 1940)

Hodgson, Robert MacLeod, Head of Commercial Mission of United Kingdom in Russian Soviet Federated Socialist Republic/ Union of Soviet Socialist Republics (1921-1924); Chargé d'affaires, Mission of United Kingdom in Union of Soviet Socialist Republics (1924-1927)

Holker, John, Attorney-General, United Kingdom (1875-1880)

Holland, Henry Thurstan (after 1888, Viscount Knutsford), Assistant Under-Secretary of State for the Colonies, United Kingdom (1870-1874); Secretary of State for the Colonies (1887-1892)

Holmden, Hensley Reed, Associate/ Assistant Archivist, Public Archives of Canada (1905-1924); Head of Map Division (1907-1924)

Hopkins, Edward Russell, Legal Adviser, Department of External Affairs (1947-1949)

Hopwood, Francis John Stephens, Permanent Under-Secretary of State for the Colonies, United Kingdom (1907-1911)

Howard, Esmé William, Councillor, Embassy of United Kingdom in United States (1906-1908); Ambassador of United Kingdom in United States (1924-1930)

Howard Smith, Charles, Head of League of Nations, General and Western Department, Foreign Office, United Kingdom (1929-1933)

Howland, Oliver Aiken, Mayor of Toronto (1901-1902)

Huntington, Lucius Seth, President of Privy Council (1874-1875)

Herchmer, Lawrence William, commissaire, Police à cheval du Nord-Ouest (1886-1900)

Herridge, William Duncan, ministre aux États-Unis (1931-1935)

Hickerson, John Dewey, chef adjoint, Division des affaires européennes, département d'État, États-Unis (1937-1944); secrétaire, section des États-Unis, Commission permanente canado-américaine de défense (1940-1946)

Hicks Beach, Michael Edward, secrétaire d'État aux Colonies, Royaume-Uni (1878-1880)

Hoare, Samuel, secrétaire d'État à l'Aviation, Royaume-Uni (1922-1924, 1924-1929, 1940)

Hodgson, Robert MacLeod, chef, mission commerciale du Royaume-Uni auprès de la République socialiste fédérative soviétique de Russie/ Union des républiques socialistes soviétiques (1921-1924); chargé d'affaires, mission du Royaume-Uni auprès de l'Union des républiques socialistes soviétiques (1924-1927)

Holker, John, procureur général, Royaume-Uni (1875-1880)

Holland, Henry Thurstan (après 1888, vicomte Knutsford), sous-secrétaire d'État adjoint aux Colonies, Royaume-Uni (1870-1874); secrétaire d'État aux Colonies (1887-1892)

Holmden, Hensley Reed, archiviste associé adjoint, Archives publiques du Canada (1905-1924); chef, Division des cartes géographiques (1907-1924)

Hopkins, Edward Russell, conseiller juridique, ministère des Affaires extérieures (1947-1949)

Hopwood, Francis John Stephens, sous-secrétaire d'État permanent aux Colonies, Royaume-Uni (1907-1911)

Howard, Esmé William, conseiller, ambassade du Royaume-Uni aux États-Unis (1906-1908); ambassadeur du Royaume-Uni aux États-Unis (1924-1930)

Howard Smith, Charles, chef, Département de la Société des Nations, des affaires générales et de l'Ouest, Foreign Office, Royaume-Uni (1929-1933)

Howland, Oliver Aiken, maire de Toronto (1901-1902)

Huntington, Lucius Seth, président du Conseil privé (1874-1875)

Hurst, Cecil James Barrington, Deputy Legal Adviser, Foreign Office, United Kingdom (1902-1918); Legal Adviser (1918-1929)

Idington, John, Puisne Judge, Supreme Court of Canada (1918-1927)

Irvine, Thomas Hill, Royal North-West/ Royal Canadian Mounted Police (1908-1941)

Ives, William Bullock, President of Privy Council (1892-1894); Minister of Trade and Commerce (1894-1896)

Jakeman, Bernard Charles, Royal Canadian Mounted Police (1920-1926, 1931-1950)

Jenkyns, Henry, Parliamentary Counsel, United Kingdom (1886-1899)

Jenness, Diamond, anthropologist, Canadian Arctic Expedition (1913-1916); anthropologist, Victoria Memorial Museum (1919-1926); Chief of Anthropology, Victoria Memorial Museum/ National Museum of Canada (1926-1948); Deputy Director of Special Intelligence, Royal Canadian Air Force (1941-1944)

Jennings, George Leslie, Royal North-West/ Royal Canadian Mounted Police (1906-1938); Officer Commanding "G" Division, Edmonton (1920-1923)

Jensen, *see* Daugaard-Jensen

Johnson, George William, Principal Clerk, North American and Australasian Department, Colonial Office, United Kingdom (1905-1907); Principal Clerk, Dominions Department/ Division (1907-1917)

Johnston, Alexander, Deputy Minister of Marine and Fisheries (1910-1920, 1921-1927); Deputy Minister of Marine (1927-1931)

Johnstone, Kenneth Roy, Third Secretary/ Chargé d'affaires, Legation of United Kingdom in Norway (1930-1931)

Joy, Alfred Herbert, Royal North-West/ Royal Canadian Mounted Police (1909-1932); Sergeant in command of Pond Inlet Detachment (1921-1924); Sergeant in command of Craig Harbour Detachment (1925-1926); Sergeant in command of Bache Peninsula Detachment (1926-1927); Officer Commanding Eastern Arctic Sub-District (1928-1931)

Just, Hartmann Wolfgang, Assistant Under-Secretary of State for the Colonies, United Kingdom (1907-1916)

Hurst, Cecil James Barrington, conseiller juridique adjoint, Foreign Office, Royaume-Uni (1902-1918); conseiller juridique (1918-1929)

Idington, John, juge puîné, Cour suprême du Canada (1918-1927)

Irvine, Thomas Hill, Royale gendarmerie à cheval du Nord-Ouest/ du Canada (1908-1941)

Ives, William Bullock, président du Conseil privé (1892-1894); ministre du Commerce (1894-1896)

Jakeman, Bernard Charles, Royale gendarmerie à cheval du Canada (1920-1926, 1931-1950)

Jenkyns, Henry, conseiller parlementaire, Royaume-Uni (1886-1899)

Jenness, Diamond, anthropologue, Expédition canadienne dans l'Arctique (1913-1916); anthropologue, Musée commémoratif Victoria (1919-1926); chef de l'anthropologie, Musée commémoratif Victoria/ Musée national du Canada (1926-1948); directeur adjoint des renseignements spéciaux, Aviation royale canadienne (1941-1944)

Jennings, George Leslie, Royale gendarmerie à cheval du Nord-Ouest/ du Canada (1906-1938); officier commandant la division « G », Edmonton (1920-1923)

Jensen, *voir* Daugaard-Jensen

Johnson, George William, commis principal, Département de l'Amérique du Nord et de l'Australasie, ministère des Colonies, Royaume-Uni (1905-1907); commis principal, Département/ Division des Dominions (1907-1917)

Johnston, Alexander, sous-ministre de la Marine et des Pêcheries (1910-1920, 1921-1927); sous-ministre de la Marine (1927-1931)

Johnstone, Kenneth Roy, troisième secrétaire/ chargé d'affaires, légation du Royaume-Uni en Norvège (1930-1931)

Joy, Alfred Herbert, Royale gendarmerie à cheval du Nord-Ouest/ du Canada (1909-1932); sergent commandant le détachement de Pond Inlet (1921-1924); sergent commandant le détachement de Craig Harbour (1925-1926); sergent commandant le détachement de la presqu'île Bache (1926-1927); officier commandant le sous-district arctique oriental (1928-1931)

Just, Hartmann Wolfgang, sous-secrétaire d'État adjoint aux Colonies, Royaume-Uni (1907-1916)

Kalinin, Mikhail Ivanovich, President of Central Executive Committee, Russian Soviet Federated Socialist Republic - Union of Soviet Socialist Republics (1919-1938)

Keenleyside, Hugh Llewellyn, Assistant Under-Secretary of State for External Affairs (1941-1944); Secretary (1940-1944) and Acting Chairman (1944-1945), Canadian Section, Permanent Joint Board on Defence; Deputy Minister of Mines and Resources (1947-1950); Commissioner of the Northwest Territories (1947-1950)

Keiser, Robert Larrick, Division of Western European Affairs, Department of State, United States (1926-1927)

Keith, Arthur Berriedale, Clerk, Colonial Office, United Kingdom (1901-1914)

Kellogg, Frank Billings, Secretary of State, United States (1925-1929)

Kempff, Ludwig, Consul General of Germany (1921-1937)

Kenrick, George Harry Blair, Temporary Legal Officer, Foreign Office, United Kingdom (1907)

Kimberley, John Wodehouse, Earl of, Secretary of State for the Colonies, United Kingdom (1870-1874, 1880-1882)

King, James Horace, Minister of Public Works (1922-1926)

King, William Frederick, Chief Astronomer (1890-1916)

King, William Lyon Mackenzie, Leader of the Opposition (1919-1921, 1926, 1930-1935); Prime Minister (1921-1926, 1926-1930, 1935-1948); President of Privy Council (1921-1926, 1926-1930, 1935-1948); Secretary of State for External Affairs (1921-1926, 1926-1930, 1935-1946)

Kinnes, Robert, businessman

Kirkpatrick, Ivone Augustine, Second Secretary, Foreign Office, United Kingdom (1920-1928); First Secretary (1928-1930)

Klengenberg, Christian, trader

Klishko (or Klyshko), Nikolai Klementevich, Political Officer and Deputy Head, Trade Mission of Russian Soviet Federated Socialist Republic Union of Soviet Socialist Republics in United Kingdom (1921-1923)

Kalinin, Mikhail Ivanovich, président du Comité central exécutif, République socialiste fédérative soviétique de Russie - Union des républiques socialistes soviétiques (1919-1938)

Keenleyside, Hugh Llewellyn, sous-secrétaire d'État adjoint aux Affaires extérieures (1941-1944); secrétaire (1940-1944) et président par intérim (1944-1945), section canadienne, Commission permanente canado-américaine de défense; sous-ministre des Mines et des Ressources (1947-1950); commissaire des Territoires du Nord-Ouest (1947-1950)

Keiser, Robert Larrick, Division des affaires de l'Europe de l'Ouest, département d'État, États-Unis (1926-1927)

Keith, Arthur Berriedale, commis, ministère des Colonies, Royaume-Uni (1901-1914)

Kellogg, Frank Billings, secrétaire d'État, États-Unis (1925-1929)

Kempff, Ludwig, consul général d'Allemagne (1921-1937)

Kenrick, George Harry Blair, officier juridique temporaire, Foreign Office, Royaume-Uni (1907)

Kimberley, John Wodehouse, comte de, secrétaire d'État aux Colonies, Royaume-Uni (1870-1874, 1880-1882)

King, James Horace, ministre des Travaux publics (1922-1926)

King, William Frederick, astronome en chef (1890-1916)

King, William Lyon Mackenzie, chef de l'opposition (1919-1921, 1926, 1930-1935); premier ministre (1921-1926, 1926-1930, 1935-1948); président du Conseil privé (1921-1926, 1926-1930, 1935-1948); secrétaire d'État aux Affaires extérieures (1921-1926, 1926-1930, 1935-1946)

Kinnes, Robert, homme d'affaires

Kirkpatrick, Ivone Augustine, deuxième secrétaire, Foreign Office, Royaume-Uni (1920-1928); premier secrétaire (1928-1930)

Klengenberg, Christian, négociant

Klishko (ou Klyshko), Nikolai Klementevich, agent politique et chef de mission adjoint, mission commerciale au Royaume-Uni de la République socialiste fédérative soviétique de Russie - Union des républiques socialistes soviétiques (1921-1923)

Klotz, Otto Julius, Surveyor, Department of the Interior (1875-1896); Chief Clerk and Astronomer (1896-1917); Chief Astronomer (1917-1923)

Knight, Errol Lorne, member of Canadian Arctic Expedition (1915-1918) and of Vilhjalmur Stefansson's Wrangel Island expedition (1921-1923)

Knutsford, Lord, *see* **Holland**

Koch, Lauge, explorer and geologist

Krassin (or Krasin), Leonid Borisovich, Head of Trade Mission of Russian Soviet Federated Socialist Republic/ Union of Soviet Socialist Republics in United Kingdom (1920-1923)

Krüger, Hans Kurt Erich, explorer

Laflamme, Rodolphe, Minister of Justice (1877-1878)

La Gorce, John Oliver, Vice-President of National Geographic Society (1922-1954)

Laird, David, Minister of the Interior (1873-1876)

Lambart, Howard Frederick John, Surveyor, International Boundary Commission (1905-1919); Engineer, Geodetic Survey (1919-1927); Engineer, Aerial Surveys Division, Topographical Survey (1927-1934)

Lambert, Henry Charles Miller, Principal Clerk, Dominions Department/ Division, Colonial Office, United Kingdom (1907-1916); Assistant Under-Secretary of State for the Colonies (1916-1921)

Lampson, Curtis Miranda, Deputy Governor, Hudson's Bay Company (1863-1870)

LaNauze, Charles Deering, Royal North-West/ Royal Canadian Mounted Police (1908-1944)

Lansdowne, Henry Charles Keith Petty-Fitzmaurice, Marquess of, Governor General (1883-1888); Secretary of State for Foreign Affairs, United Kingdom (1900-1905)

Lapointe, Ernest, Minister of Marine and Fisheries (1921-1924); Minister of Justice (1924-1926, 1926-1930, 1935-1941)

Larcom, Arthur, Head of American Department, Foreign Office, United Kingdom (1899-1910)

Larkin, Peter Charles, High Commissioner in United Kingdom (1922-1930)

Klotz, Otto Julius, arpenteur, ministère de l'Intérieur (1875-1896); premier commis et astronome (1896-1917); astronome en chef (1917-1923)

Knight, Errol Lorne, membre de l'Expédition canadienne dans l'Arctique (1915-1918) et de l'expédition de Vilhjalmur Stefansson à l'île Wrangel (1921-1923)

Knutsford, Lord, voir **Holland**

Koch, Lauge, explorateur et géologue

Krassin (ou Krasin), Leonid Borisovich, chef, mission commerciale au Royaume-Uni de la République socialiste fédérative soviétique de Russie/ Union des républiques socialistes soviétiques (1920-1923)

Krüger, Hans Kurt Erich, explorateur

Laflamme, Rodolphe, ministre de la Justice (1877-1878)

La Gorce, John Oliver, vice-président de la National Geographic Society (1922-1954)

Laird, David, ministre de l'Intérieur (1873-1876)

Lambart, Howard Frederick John, arpenteur, Commission de la frontière internationale (1905-1919); ingénieur, Levés géodésiques (1919-1927); ingénieur, Direction des levés aériens, Levés topographiques (1927-1934)

Lambert, Henry Charles Miller, commis principal, Département/ Division des Dominions, ministère des Colonies, Royaume-Uni (1907-1916); sous-secrétaire d'État adjoint aux Colonies (1916-1921)

Lampson, Curtis Miranda, gouverneur adjoint, Compagnie de la Baie d'Hudson (1863-1870)

LaNauze, Charles Deering, Royale gendarmerie à cheval du Nord-Ouest/ du Canada (1908-1944)

Lansdowne, Henry Charles Keith Petty-Fitzmaurice, marquis de, gouverneur général (1883-1888); secrétaire d'État aux Affaires étrangères, Royaume-Uni (1900-1905)

Lapointe, Ernest, ministre de la Marine et des Pêcheries (1921-1924); ministre de la Justice (1924-1926, 1926-1930, 1935-1941)

Larcom, Arthur, chef, Département de l'Amérique, Foreign Office, Royaume-Uni (1899-1910)

Larkin, Peter Charles, haut-commissaire au Royaume-Uni (1922-1930)

- Larsen, Henry Ashbjørn**, Royal Canadian Mounted Police (1928-1961); master of RCMPV *St Roch* (1928-1948); Sergeant Commanding *St Roch* Detachment (1938-1948)
- Lash, Zebulon Aiton**, Deputy Minister of Justice (1876-1882)
- Laurier, Wilfrid**, Prime Minister (1896-1911); President of Privy Council (1896-1911); Leader of the Opposition (1911-1917)
- Learmonth, Frederick Charles**, Hydrographer of Royal Navy, United Kingdom (1919-1924)
- Leden, Christian**, ethnographer and explorer
- Lee, Herbert Patrick**, Royal Canadian Mounted Police (1921-1925)
- Leeper, Alexander Wigram Allen**, First Secretary/ Counsellor, Western Department, Foreign Office, United Kingdom (1928-1935)
- Lennie, Ebenezer Dundas**, Inspector of Excise Taxes/ Customs and Excise (ca. 1922-1929); Chief Inspector of Customs and Excise (1929-1937)
- Létourneau, Louis-Alfred**, Member for Québec-Est, Assemblée législative du Québec (1908-1927)
- Le Vasseur, Nazaire**, President, Geographical Society of Québec (1898-1905)
- Liesching, Percivale**, First Secretary, High Commission of United Kingdom in Canada (1928-1932); acting Assistant Under-Secretary of State for Dominion Affairs (1939-1942)
- Lindley, Francis Oswald**, Minister of United Kingdom in Norway (1923-1929)
- Lindsay, Ronald Charles**, Permanent Under-Secretary of State for Foreign Affairs (1928-1929)
- Linnell, Irving Nelson**, Division of Western European Affairs, Department of State, United States (1923-1927); Consul General of United States (1927-1931)
- Littleton, Edward George Percy**, Military Secretary to the Governor General (1875-1878)
- Livingstone, Leslie David**, medical officer, Eastern Arctic Patrol (1922-1925)
- Lloyd, Hoves**, Superintendent of Wild Life Protection, Dominion National Parks Branch, Department of the Interior (1919-1936); Department of Mines and Resources (1936-1943)
- Larsen, Henry Ashbjørn**, Royale gendarmerie à cheval du Canada. Gendarmerie royale du Canada (1928-1961); maître de navigation du navire de la Royale gendarmerie à cheval du Canada *St Roch* (1928-1948); sergent commandant le détachement du *St Roch* (1938-1948)
- Lash, Zebulon Aiton**, sous-ministre de la Justice (1876-1882)
- Laurier, Wilfrid**, premier ministre (1896-1911); président du Conseil privé (1896-1911); chef de l'opposition (1911-1917)
- Learmonth, Frederick Charles**, hydrographe, Marine royale, Royaume-Uni (1919-1924)
- Leden, Christian**, ethnographe et explorateur
- Lee, Herbert Patrick**, Royale gendarmerie à cheval du Canada (1921-1925)
- Leeper, Alexander Wigram Allen**, premier secrétaire/ conseiller, Département des affaires de l'Ouest, Foreign Office, Royaume-Uni (1928-1935)
- Lennie, Ebenezer Dundas**, inspecteur des taxes d'accise des douanes et de l'accise (vers 1922-1929); inspecteur-chef des douanes et de l'accise (1929-1937)
- Létourneau, Louis-Alfred**, député de Québec-Est, Assemblée législative du Québec (1908-1927)
- Le Vasseur, Nazaire**, président, Société de géographie de Québec (1898-1905)
- Liesching, Percivale**, premier secrétaire, haut-commissariat du Royaume-Uni au Canada (1928-1932); sous-secrétaire d'État adjoint par intérim aux Affaires des Dominions (1939-1942)
- Lindley, Francis Oswald**, ministre du Royaume-Uni en Norvège (1923-1929)
- Lindsay, Ronald Charles**, sous-secrétaire d'État permanent aux Affaires étrangères (1928-1929)
- Linnell, Irving Nelson**, Division des affaires de l'Europe de l'Ouest, département d'État, États-Unis (1923-1927); consul général des États-Unis (1927-1931)
- Littleton, Edward George Percy**, secrétaire militaire auprès du gouverneur général (1875-1878)
- Livingstone, Leslie David**, médecin, patrouille de l'Arctique oriental (1922-1925)
- Lloyd, Hoves**, surintendant de la protection de la faune, Secteur des parcs fédéraux nationaux, ministère de l'Intérieur (1919-1936); ministère des Mines et des Ressources (1936-1943)

Logan, Robert Archibald, surveyor and aviator; Instructor, Canadian Air Force (1920-1923); member of government expedition in CGS *Arctic* (1922); Royal Canadian Air Force (1940-1942); Director of Intelligence, Air Staff Division, Department of National Defence for Air (ca. 1941-ca. 1942)

Loreburn, Robert Threshie Reid, Earl, Lord Chancellor, United Kingdom (1905-1912)

Lorne, John Douglas Sutherland Campbell, Marquess of, Governor General (1878-1883)

Lougheed, James Alexander, Minister of the Interior and Minister of Mines (1920-1921)

Low, Albert Peter, Geological and Natural History Survey/ Geological Survey (1882-1899, 1903-1906); commander of government expedition in SS *Neptune* (1903-1904); Director, Geological Survey (1906-1907); Deputy Minister of Mines (1907-1913)

Lowther, James, Parliamentary Under-Secretary of State for the Colonies, United Kingdom (1874-1878)

Lucas, Charles Prestwood, Assistant Under-Secretary of State for the Colonies, United Kingdom (1897-1911)

Lynch, Francis Christopher Chisholm, Superintendent/ Director, Natural Resources Intelligence Branch/ Service, Department of the Interior (1917-1930)

Lyttelton, Alfred, Secretary of State for the Colonies, United Kingdom (1903-1905)

MacBrien, James Howden, Chief of the General Staff, Department of Militia and Defence (1920-1922); Chief of the General Staff, Department of National Defence (1923-1927); Commissioner, Royal Canadian Mounted Police (1931-1938)

Macdonald, Hugh John, Minister of the Interior (1896)

MacDonald, James Ramsay, Prime Minister, United Kingdom (1924, 1929-1935)

Macdonald, John Alexander, Prime Minister (1867-1873, 1878-1891); Minister of Justice (1867-1873); Leader of the Opposition (1873-1878); Minister of the Interior (1878-1883); Acting President of Privy Council (1882); President of Privy Council (1883-1889); Acting Minister of the Interior (1888)

Logan, Robert Archibald, arpenteur et aviateur; instructeur, Aviation canadienne (1920-1923); membre de l'expédition du gouvernement à bord du CGS *Arctic* (1922); Aviation royale canadienne (1940-1942); directeur des renseignements, Division de l'état-major de l'air, ministère de la Défense nationale pour l'air (vers 1941-vers 1942)

Loreburn, Robert Threshie Reid, comte, lord chancelier, Royaume-Uni (1905-1912)

Lorne, John Douglas Sutherland Campbell, marquis de, gouverneur général (1878-1883)

Lougheed, James Alexander, ministre de l'Intérieur et ministre des Mines (1920-1921)

Low, Albert Peter, Commission de géologie et d'histoire naturelle/ Commission géologique (1882-1899, 1903-1906); commandant, expédition du gouvernement à bord du SS *Neptune* (1903-1904); directeur, Commission géologique (1906-1907); sous-ministre des Mines (1907-1913)

Lowther, James, sous-secrétaire d'État parlementaire aux Colonies, Royaume-Uni (1874-1878)

Lucas, Charles Prestwood, sous-secrétaire d'État adjoint aux Colonies, Royaume-Uni (1897-1911)

Lynch, Francis Christopher Chisholm, surintendant/ directeur, Secteur/ Service de renseignements sur les ressources naturelles, ministère de l'Intérieur (1917-1930)

Lyttelton, Alfred, secrétaire d'État aux Colonies, Royaume-Uni (1903-1905)

MacBrien, James Howden, chef d'état-major général, ministère de la Milice et de la Défense (1920-1922); chef d'état-major général, ministère de la Défense nationale (1923-1927); commissaire, Royale gendarmerie à cheval du Canada (1931-1938)

Macdonald, Hugh John, ministre de l'Intérieur (1896)

MacDonald, James Ramsay, premier ministre, Royaume-Uni (1924, 1929-1935)

Macdonald, John Alexander, premier ministre (1867-1873, 1878-1891); ministre de la Justice (1867-1873); chef de l'opposition (1873-1878); ministre de l'Intérieur (1878-1883); président par intérim du Conseil privé (1882); président du Conseil privé (1883-1889); ministre de l'Intérieur par intérim (1888)

MacDonald, Malcolm, Secretary of State for the Colonies, United Kingdom (1935, 1938-1940), Secretary of State for Dominion Affairs (1935-1938, 1938-1939), High Commissioner of United Kingdom (1941-1946)

MacDonald, Ramsay, *voir* **MacDonald, James Ramsay**

MacDonald, Vincent Christopher, Dean of School of Law, Dalhousie University (1934-1950)

MacGregor, Evan, Permanent Secretary to the Admiralty, United Kingdom (1884-1907)

MacGregor, William Burgess, Royal Canadian Mounted Police (1921-1930)

Mack, George Edmund, Superintendent of Bay Transport, Hudson's Bay Company (1920-1928)

Mackenzie, Alexander, Prime Minister (1873-1878)

Mackenzie, George Patton, Gold Commissioner of the Yukon (1912-1925); Arctic Exploration and Development Officer, Northwest Territories and Yukon Branch, Department of the Interior (1925-1931); Officer in Charge of Eastern Arctic Patrol (1925-1930)

Mackintosh, Charles Herbert, Lieutenant Governor of Northwest Territories (1893-1898)

MacMillan, Donald Baxter, explorer

Malcolm, William Rolle, Assistant Under-Secretary of State for the Colonies, United Kingdom (1874-1878)

Malkin, Herbert William, Second Legal Adviser, Foreign Office, United Kingdom (1925-1929); Legal Adviser (1929-1945)

Mallet, Louis du Pan, Assistant Under-Secretary of State for Foreign Affairs, United Kingdom (1907-1913)

Mann, Donald, railway builder; co-founder, Canadian Northern Railway

Marlborough, Charles Richard John Spencer Churchill, Duke of, Parliamentary Under-Secretary of State for the Colonies, United Kingdom (1903-1905)

Marling, Charles Murray, Minister of United Kingdom in Denmark (1919-1921)

Marshall, George Catlett, Chief of Staff, United States Army (1939-1945)

MacDonald, Malcolm, secrétaire d'État aux Colonies, Royaume-Uni (1935, 1938-1940), secrétaire d'État aux Affaires des Dominions (1935-1938, 1938-1939), haut-commissaire du Royaume-Uni (1941-1946)

MacDonald, Ramsay, *voir* **MacDonald, James Ramsay**

MacDonald, Vincent Christopher, doyen, Faculté de droit, Université Dalhousie (1934-1950)

MacGregor, Evan, secrétaire permanent de l'Amirauté, Royaume-Uni (1884-1907)

MacGregor, William Burgess, Royale gendarmerie à cheval du Canada (1921-1930)

Mack, George Edmund, surintendant de la division du transport de la Compagnie de la Baie d'Hudson (1920-1928)

Mackenzie, Alexander, premier ministre (1873-1878)

Mackenzie, George Patton, commissaire de l'or pour le Yukon (1912-1925); agent d'exploration et de développement de l'Arctique, Secteur des Territoires du Nord-Ouest et du Yukon, ministère de l'Intérieur (1925-1931), officier responsable de la patrouille de l'Arctique oriental (1925-1930)

Mackintosh, Charles Herbert, lieutenant-gouverneur des Territoires du Nord-Ouest (1893-1898)

MacMillan, Donald Baxter, explorateur

Malcolm, William Rolle, sous-secrétaire d'État adjoint aux Colonies, Royaume-Uni (1874-1878)

Malkin, Herbert William, deuxième conseiller juridique, Foreign Office, Royaume-Uni (1925-1929); conseiller juridique (1929-1945)

Mallet, Louis du Pan, sous-secrétaire d'État adjoint aux Affaires étrangères, Royaume-Uni (1907-1913)

Mann, Donald, constructeur de chemins de fer; cofondateur, Chemin de fer Canadien du Nord

Marlborough, Charles Richard John Spencer Churchill, duc de, sous-secrétaire d'État parlementaire aux Colonies, Royaume-Uni (1903-1905)

Marling, Charles Murray, ministre du Royaume-Uni au Danemark (1919-1921)

Marshall, George Catlett, chef d'état-major, armée des États-Unis (1939-1945)

- Martindale, Ernest Smith**, Natural Resources Intelligence Service, Department of the Interior (1924-1930)
- Massey, Charles Vincent**, Minister in United States (1926-1930); High Commissioner in United Kingdom (1935-1946)
- Mathiassen, Therkel**, archaeologist and ethnologist
- McArthur, James Joseph**, International Boundary Commissioner (1917-1925)
- McConnell, Richard George**, Geological and Natural History Survey/ Geological Survey (1879-1914); Deputy Minister of Mines (1914-1921)
- McDiarmid, Fergus Archie**, Geodetic Astronomer/ Supervisor of Standards, Geodetic Survey (1919-1946)
- McDonald, Eugene F.**, co-founder of Zenith Radio Corporation and general manager (1923-1958); second-in-command of MacMillan Arctic Expedition (1925)
- McDonald, James**, Minister of Justice (1878-1881)
- McDougald, John**, Commissioner of Customs (1896-1918); Deputy Minister of Customs and Inland Revenue (1918-1919)
- McGill, Harold Wigmore**, Deputy Superintendent General of Indian Affairs (1932-1936); Director of Indian Affairs (1936-1945)
- McGrath, Patrick Thomas**, journalist; clerk of House of Assembly, Newfoundland (1901-1912)
- McGregor, Fred Alexander**, Private Secretary to William Lyon Mackenzie King (1914-1925)
- McInnes, Finley**, Royal North-West/ Royal Canadian Mounted Police (1919-1936)
- McKeand, David Livingstone**, Chief Clerk, Northwest Territories Office/ Northwest Territories Branch/ Northwest Territories and Yukon Branch, Department of the Interior (1921-1923); Assistant Director, Northwest Territories and Yukon Branch (1923-1931); Officer in Charge of Eastern Arctic Patrol (1932-1944); Secretary of Northwest Territories Council (1929-1945); Superintendent of Eastern Arctic, Bureau of Northwest Territories and Yukon Affairs, Department of Mines and Resources (1936-1945)
- Martindale, Ernest Smith**, Service de renseignements sur les ressources naturelles, ministère de l'Intérieur (1924-1930)
- Massey, Charles Vincent**, ministre aux États-Unis (1926-1930); haut-commissaire au Royaume-Uni (1935-1946)
- Mathiassen, Therkel**, archéologue et ethnologue
- McArthur, James Joseph**, commissaire, Commission de la frontière internationale (1917-1925)
- McConnell, Richard George**, Commission de géologie et d'histoire naturelle/ Commission géologique (1879-1914); sous-ministre des Mines (1914-1921)
- McDiarmid, Fergus Archie**, astronome géodésique/ contrôleur des normes, Levés géodésiques (1919-1946)
- McDonald, Eugene F.**, cofondateur et directeur général, Zenith Radio Corporation (1923-1958); commandant en second, expédition de MacMillan dans l'Arctique (1925)
- McDonald, James**, ministre de la Justice (1878-1881)
- McDougald, John**, commissaire des Douanes (1896-1918); sous-ministre des Douanes et du Revenu intérieur (1918-1919)
- McGill, Harold Wigmore**, surintendant général adjoint des Affaires indiennes (1932-1936); directeur des Affaires indiennes (1936-1945)
- McGrath, Patrick Thomas**, journaliste; greffier de la Chambre d'assemblée, Terre-Neuve (1901-1912)
- McGregor, Fred Alexander**, secrétaire particulier de William Lyon Mackenzie King (1914-1925)
- McInnes, Finley**, Royale gendarmerie à cheval du Nord-Ouest/ du Canada (1919-1936)
- McKeand, David Livingstone**, premier commis, Bureau des Territoires du Nord-Ouest/ Secteur des Territoires du Nord-Ouest/ Secteur des Territoires du Nord-Ouest et du Yukon, ministère de l'Intérieur (1921-1923); directeur adjoint, Secteur des Territoires du Nord-Ouest et du Yukon (1923-1931); officier responsable de la patrouille de l'Arctique oriental (1932-1944); secrétaire du Conseil des Territoires du Nord-Ouest (1929-1945); surintendant de l'Arctique oriental, Direction générale des Territoires du Nord-Ouest et du Yukon, ministère des Mines et des Ressources (1936-1945)

McKenzie, Marjorie, secretary to Under-Secretary of State for External Affairs (1925-1946)

McLean, Alexander Daniel, Controller of Civil Aviation, Department of Transport (1941-1950)

McLean, Angus Alexander, Comptroller, Royal North-West Mounted Police (1917-1919)

McNaughton, Andrew George Latta, Chief of the General Staff, Department of National Defence (1929-1935)

McTavish, Donald Campbell, Chief Factor, Keewatin District, Hudson's Bay Company (1901-1907)

Meade, Robert Henry, Assistant Under-Secretary of State for the Colonies, United Kingdom (1871-1892); Permanent Under-Secretary of State for the Colonies (1892-1896)

Measures, William Howard, Assistant Private Secretary to Prime Minister and Secretary of State for External Affairs (1921-1930)

Meighen, Arthur, Minister of the Interior (1917-1920); Minister of Mines (1919-1920); Prime Minister (1920-1921, 1926); President of Privy Council (1926); Secretary of State for External Affairs (1920-1921, 1926); Leader of the Opposition (1921-1926, 1941-1942)

Michelson, Thomas Robert, Royal North-West Royal Canadian Mounted Police (1919-1926, 1928, 1932-1939, 1944-1949); Corporal Commanding Craig Harbour Detachment (1924-1925)

Miller, David Hunter, lawyer; Department of State, United States (1929-1944)

Mills, David, Minister of the Interior (1876-1878); Minister of Justice (1897-1902)

Milne, Alexander Roland, Collector of Customs, Victoria, British Columbia (1890-1904)

Milne, James, trader, employed by firm Noble Brothers on Baffin Island (?-1907)

Milner, Alfred, Viscount, Secretary of State for the Colonies, United Kingdom (1919-1921)

Minto, Gilbert John Murray-Kynynmound, Earl of, Governor General (1898-1905)

Mitchell, William, Assistant Chief of United States Air Service (1920-1925); after 1925, lecturer and commentator on aviation issues

McKenzie, Marjorie, secrétaire auprès du sous-secrétaire d'État aux Affaires extérieures (1925-1946)

McLean, Alexander Daniel, contrôleur de l'aviation civile, ministère des Transports (1941-1950)

McLean, Angus Alexander, contrôleur, Royale gendarmerie à cheval du Nord-Ouest (1917-1919)

McNaughton, Andrew George Latta, chef d'état-major général, ministère de la Défense nationale (1929-1935)

McTavish, Donald Campbell, agent principal, district de Keewatin, Compagnie de la Baie d'Hudson (1901-1907)

Meade, Robert Henry, sous-secrétaire d'État adjoint aux Colonies, Royaumes-Uni (1871-1892), sous-secrétaire d'État permanent aux Colonies (1892-1896)

Measures, William Howard, secrétaire particulier adjoint du premier ministre et du secrétaire d'État aux Affaires extérieures (1921-1930)

Meighen, Arthur, ministre de l'Intérieur (1917-1920); ministre des Mines (1919-1920); premier ministre (1920-1921, 1926); président du Conseil privé (1926); secrétaire d'État aux Affaires extérieures (1920-1921, 1926); chef de l'opposition (1921-1926, 1941-1942)

Michelson, Thomas Robert, Royale gendarmerie à cheval du Nord-Ouest du Canada (1919-1926, 1928, 1932-1939, 1944-1949); caporal commandant le détachement de Craig Harbour (1924-1925)

Miller, David Hunter, avocat; département d'État, États-Unis (1929-1944)

Mills, David, ministre de l'Intérieur (1876-1878); ministre de la Justice (1897-1902)

Milne, Alexander Roland, percepteur des douanes, Victoria, Colombie-Britannique (1890-1904)

Milne, James, négociant, employé de la compagnie Noble Brothers sur l'île de Baffin (?-1907)

Milner, Alfred, vicomte, secrétaire d'État aux Colonies, Royaume-Uni (1919-1921)

Minto, Gilbert John Murray-Kynynmound, comte de, gouverneur général (1898-1905)

Mitchell, William, chef adjoint, forces aériennes des États-Unis (1920-1925); après 1925, conférencier et analyste dans le domaine de

Moffat, Jay Pierrepont, Minister of United States (1940-1943)

Moffett, William Adger, Chief of Bureau of Aeronautics, United States Navy (1921-1933)

Moodie, John Douglas, North-West/ Royal North-West Mounted Police (1885-1917); Commissioner of Police in Unorganized Districts (1903-1904); Officer Commanding "M" Division, Hudson Bay (1903/1904-1910, 1916); commander of government expedition in DGS *Arctic* (1904-1905)

Moore, William, entrepreneur

Morin, Lazare-Désiré, First Officer, CGS *Arctic* (1922-1925)

Morin, Octave-Jules, Second Officer, DGS *Arctic* (1904-1910); First Officer (1910-1911)

Morris, Alexander, Lieutenant Governor of Manitoba and Northwest Territories (1872-1876)

Mowat, Oliver, Minister of Justice (1896-1897)

Mowinkel, Johan Ludwig, Minister of Foreign Affairs, Norway (1922-1923, 1924-1926, 1928-1931, 1933-1935); Prime Minister (1924-1926, 1928-1931, 1933-1935)

Mulock, William, Postmaster General (1896-1905)

Munn, Henry Toke, trader

Murphy, Thomas Gerow, Minister of the Interior (1930-1935)

Must, Henry James, Royal Canadian Mounted Police (1920-1924)

Mylius-Erichsen, Ludvig, explorer

Nansen, Alexander, lawyer

Nansen, Fridtjof, explorer; Minister of Norway in United Kingdom (1906-1908)

Narraway, Athos Maxwell, Assistant Director, Topographical Survey, Department of the Interior (1924-1936); Consulting Aerial Survey Engineer, Topographical and Air Survey Bureau/ Topographical Survey, Department of Mines and Resources (1936-1940)

Newcombe, Edmund Leslie, Deputy Minister of Justice (1893-1924)

Nicolson, Arthur, Permanent Under-Secretary of State for Foreign Affairs, United Kingdom (1910-1916)

Moffat, Jay Pierrepont, ministre des États-Unis (1940-1943)

Moffett, William Adger, chef du bureau de l'Aéronautique, Forces navales des États-Unis (1921-1933)

Moodie, John Douglas, Police à cheval du Nord-Ouest/ Royale gendarmerie à cheval du Nord-Ouest (1885-1917); commissaire de police dans des districts non organisés (1903-1904); officier commandant la division « M », Baie d'Hudson (1903/1904-1910, 1916); commandant de l'expédition du gouvernement à bord du DGS *Arctic* (1904-1905)

Moore, William, négociant

Morin, Lazare-Désiré, capitaine en second, CGS *Arctic* (1922-1925)

Morin, Octave-Jules, premier lieutenant, DGS *Arctic* (1904-1910); capitaine en second (1910-1911)

Morris, Alexander, lieutenant-gouverneur du Manitoba et des Territoires du Nord-Ouest (1872-1876)

Mowat, Oliver, ministre de la Justice (1896-1897)

Mowinkel, Johan Ludwig, ministre des Affaires étrangères, Norvège (1922-1923, 1924-1926, 1928-1931, 1933-1935); premier ministre (1924-1926, 1928-1931, 1933-1935)

Mulock, William, ministre des Postes (1896-1905)

Munn, Henry Toke, négociant

Murphy, Thomas Gerow, ministre de l'Intérieur (1930-1935)

Must, Henry James, Royale gendarmerie à cheval du Canada (1920-1924)

Mylius-Erichsen, Ludvig, explorateur

Nansen, Alexander, avocat

Nansen, Fridtjof, explorateur; ministre de Norvège au Royaume-Uni (1906-1908)

Narraway, Athos Maxwell, directeur adjoint, Levés topographiques, ministère de l'Intérieur (1924-1936); ingénieur-conseil en levé aérien, Service de la topographie et des levés aériens/ Direction des levés topographiques, ministère des Mines et des Ressources (1936-1940)

Newcombe, Edmund Leslie, sous-ministre de la Justice (1893-1924)

Nicolson, Arthur, sous-secrétaire d'État permanent aux Affaires étrangères, Royaume-Uni (1910-1916)

- Nielsen, Hans Rudolf Johannes**, manager of Knud Rasmussen's trading station, Thule, Greenland (1920-1941)
- Noble, Crawford**, businessman
- Noice, Harold**, member of Canadian Arctic Expedition (1915-1918); leader of Wrangel Island relief party (1923)
- Nukapinguaq (or Nookapingwa)**, Special Constable, Royal Canadian Mounted Police (1926-1933); member of Oxford University Ellesmere Land Expedition (1934-1935) and David Haig-Thomas expedition (1937-1938)
- Nyeboe, Marius Ib**, head of organizing committee, Fifth Thule Expedition
- O'Connor, James Alexander**, Commanding General, Northwest Service Command, United States Army (1942-1944)
- O'Connor, John**, President of Privy Council (1878-1880)
- Odell, Russell Kenneth**, Assistant Superintendent Director, Natural Resources Intelligence Branch Service, Department of the Interior (1919-1930)
- Ogilvie, Noel John**, Superintendent Director of Geodetic Survey, Department of the Interior Department of Mines and Resources (1917-1946)
- Ogilvie, William**, surveyor, Department of the Interior (1875-1898); Commissioner of Yukon Territory (1898-1901)
- O'Kelly, Thomas Patrick**, Assistant to Fur Trade Commissioner, Hudson's Bay Company (1918-1923); Acting District Manager, Western Arctic District (1923-1925)
- Oliver, Frank**, Member of Parliament for the Provisional District of Alberta (1896-1904) and for Edmonton (1904-1917); Minister of the Interior (1905-1911)
- Olney, Richard**, Secretary of State, United States (1895-1897)
- Ommanney, Montagu Frederick**, Permanent Under-Secretary of State for the Colonies, United Kingdom (1900-1907)
- Osborn, Henry Fairfield**, President, American Museum of Natural History (1908-1933)
- Pacaud, Lucien**, Secretary, High Commission in United Kingdom (1922-1931)
- Palmer, Frederick Herbert**, Trade Commissioner in Norway (1929-1934)
- Nielsen, Hans Rudolf Johannes**, directeur du poste de traite de Knud Rasmussen, Thule, Groenland (1920-1941)
- Noble, Crawford**, homme d'affaires
- Noice, Harold**, membre de l'Expedition canadienne dans l'Arctique (1915-1918); chef de la mission de secours à l'île Wrangel (1923)
- Nukapinguaq (ou Nookapingwa)**, constable spécial, Royale gendarmerie à cheval du Canada (1926-1933), membre de l'expédition de l'Université d'Oxford à l'île d'Ellesmere (1934-1935) et de l'expédition de David Haig-Thomas (1937-1938)
- Nyeboe, Marius Ib**, chef du comité organisateur, cinquième expédition de Thule
- O'Connor, James Alexander**, general commandant, Northwest Service Command, armée des États-Unis (1942-1944)
- O'Connor, John**, président du Conseil privé (1878-1880)
- Odell, Russell Kenneth**, surintendant adjoint directeur, Secteur Service de renseignements sur les ressources naturelles, ministère de l'Intérieur (1919-1930)
- Ogilvie, Noel John**, surintendant directeur des levés géodésiques, ministère de l'Intérieur ministère des Mines et des Ressources (1917-1946)
- Ogilvie, William**, arpenteur, ministère de l'Intérieur (1875-1898); commissaire du territoire du Yukon (1898-1901)
- O'Kelly, Thomas Patrick**, adjoint au commissaire à la Traite des fourrures, Compagnie de la Baie d'Hudson (1918-1923); directeur de district par intérim, district arctique occidental (1923-1925)
- Oliver, Frank**, député du district provisoire de l'Alberta (1896-1904) et d'Edmonton (1904-1917); ministre de l'Intérieur (1905-1911)
- Olney, Richard**, secrétaire d'État, États-Unis (1895-1897)
- Ommanney, Montagu Frederick**, sous-secrétaire d'État permanent aux Colonies, Royaume-Uni (1900-1907)
- Osborn, Henry Fairfield**, président, Musée américain d'histoire naturelle (1908-1933)
- Pacaud, Lucien**, secrétaire, haut-commissariat au Royaume-Uni (1922-1931)
- Palmer, Frederick Herbert**, délégué commercial en Norvège (1929-1934)

- Parent, Georges**, Member of Parliament for Québec-Ouest (1904-1911, 1917-1930)
- Parker, Horatio Gilbert George**, Member of Parliament, United Kingdom (1900-1918)
- Parker, Thomas Harold**, Engineer, Geodetic Survey (1919-1946)
- Parmalee, William Grannis**, Commissioner of Customs (1892); Deputy Minister of Trade and Commerce (1893-1908)
- Parsons, William Ralph**, District Manager, Labrador/ St. Lawrence, Hudson's Bay Company (1920-1930); Fur Trade Commissioner (1931-1940)
- Pasley, Ernest**, Royal North-West/ Royal Canadian Mounted Police (1913-1917, 1919-1928)
- Passfield, Sidney James Webb**, Baron, Secretary of State for Dominion Affairs, United Kingdom (1929-1930); Secretary of State for the Colonies (1929-1931)
- Pearce, William**, Superintendent of Mines, Northwest Territories (1884-1904)
- Pearson, Lester Bowles**, First Secretary, Department of External Affairs (1928-1935); Assistant Under-Secretary of State for External Affairs (1941-1942); Minister-Counsellor, Legation in United States (1942-1944); Minister in United States (1944); Ambassador in United States (1945-1946); Under-Secretary of State for External Affairs (1946-1948); Secretary of State for External Affairs (1948-1957)
- Peary, Robert Edwin**, explorer
- Peck, Edmund James**, Church of England missionary
- Pedersen, Christian Theodore**, trader
- Pennell, Edmund Burke**, Clerk, North American and Australian Department, Colonial Office, United Kingdom (1867-1879); Principal Clerk (1879-1895)
- Perley, George Halsey**, Minister without Portfolio (1911-1916, 1930-1935); High Commissioner in United Kingdom (1914-1922); Acting Prime Minister (1930)
- Perry, Aylesworth Bowen**, North-West/ Royal North-West/ Royal Canadian Mounted Police (1882-1923); Commissioner (1900-1923)
- Parent, Georges**, député de Québec-Ouest (1904-1911, 1917-1930)
- Parker, Horatio Gilbert George**, député, Royaume-Uni (1900-1918)
- Parker, Thomas Harold**, ingénieur, Levés géodésiques (1919-1946)
- Parmalee, William Grannis**, commissaire des Douanes (1892); sous-ministre du Commerce (1893-1908)
- Parsons, William Ralph**, directeur du district de Labrador/ St. Laurent, Compagnie de la Baie d'Hudson (1920-1930); commissaire à la Traite des fourrures (1931-1940)
- Pasley, Ernest**, Royale gendarmerie à cheval du Nord-Ouest/ du Canada (1913-1917, 1919-1928)
- Passfield, Sidney James Webb**, baron, secrétaire d'État aux Affaires des Dominions, Royaume-Uni (1929-1930); secrétaire d'État aux Colonies (1929-1931)
- Pearce, William**, surintendant des Mines, Territoires du Nord-Ouest (1884-1904)
- Pearson, Lester Bowles**, premier secrétaire, ministère des Affaires extérieures (1928-1935); sous-secrétaire d'État adjoint aux Affaires extérieures (1941-1942); ministre-conseiller, légation aux États-Unis (1942-1944); ministre aux États-Unis (1944); ambassadeur aux États-Unis (1945-1946); sous-secrétaire d'État aux Affaires extérieures (1946-1948); secrétaire d'État aux Affaires extérieures (1948-1957)
- Peary, Robert Edwin**, explorateur
- Peck, Edmund James**, missionnaire de l'Église d'Angleterre
- Pedersen, Christian Theodore**, négociant
- Pennell, Edmund Burke**, commis, Département de l'Amérique du Nord et de l'Australie, ministère des Colonies, Royaume-Uni (1867-1879); commis principal (1879-1895)
- Perley, George Halsey**, ministre sans portefeuille (1911-1916, 1930-1935); haut-commissaire au Royaume-Uni (1914-1922); premier ministre par intérim (1930)
- Perry, Aylesworth Bowen**, Police à cheval du Nord-Ouest/ Royale gendarmerie à cheval du Nord-Ouest/ du Canada (1882-1923); commissaire (1900-1923)

Peters, William, Assistant Agent, Commercial Mission of United Kingdom in Russian Soviet Federated Socialist Republic Union of Soviet Socialist Republics (1921-1924)

Phillips, Robert Arthur John, Department of External Affairs (1945-1952)

Phillips, William, Undersecretary of State, United States (1922-1924, 1933-1936); Minister of United States (1927-1929)

Phinney, Laurence Hudson, Department of National Defence for Air (1942-1944)

Pickels, Harris Christopher, merchant captain, engaged as sailing master of CGS *Arctic* on planned government expedition (1920-1921)

Poirier, Pascal, Senator (1885-1933)

Ponsonby, Arthur Augustus William Harry, Parliamentary Under-Secretary of State for Foreign Affairs, United Kingdom (1924); Parliamentary Under-Secretary of State for Dominion Affairs (1929)

Pope, Joseph, Under-Secretary of State (1896-1909); Under-Secretary of State for External Affairs (1909-1925)

Porsild, Alf Erling, Acting Chief Botanist, National Museum of Canada (1936-1941); Vice-Consul Acting Consul in Greenland (1940-1943); Chief of Botany, National Museum of Canada (1946-1967)

Porsild, Morten Pedersen, head of scientific station, Godhavn (Qeqertarsuaq), Greenland (1906-1946)

Power, Augustus, Chief Clerk, Department of Justice (1879-1908); Legal Officer (1908-1912)

Power, Charles Gavan ("Chubby"), Minister of National Defence for Air and Associate Minister of National Defence (1940-1944)

Pratt, Wallace Everette, geologist and vice-president, Standard Oil Company of New Jersey (1942-1945)

Préfontaine, Joseph Raymond Fournier, Minister of Marine and Fisheries (1902-1905)

Prince, Edward Ernest, Commissioner of Fisheries (1892-1924)

Putnam, George Palmer, publisher; leader of Putnam Baffin Island Expedition (1927)

Peters, William, agent adjoint, mission commerciale du Royaume-Uni auprès de la République socialiste fédérative soviétique de Russie Union des républiques socialistes soviétiques (1921-1924)

Phillips, Robert Arthur John, ministère des Affaires extérieures (1945-1952)

Phillips, William, sous-secrétaire d'État, États-Unis (1922-1924, 1933-1936), ministre des États-Unis (1927-1929)

Phinney, Laurence Hudson, ministère de la Défense nationale pour l'air (1942-1944)

Pickels, Harris Christopher, capitaine dans la marine marchande, engagé à titre de maître de navigation pour l'expédition planifiée du gouvernement à bord du CGS *Arctic* (1920-1921)

Poirier, Pascal, sénateur (1885-1933)

Ponsonby, Arthur Augustus William Harry, sous-secrétaire d'État parlementaire aux Affaires étrangères, Royaume-Uni (1924); sous-secrétaire d'État parlementaire aux Affaires des Dominions (1929)

Pope, Joseph, sous-secrétaire d'État (1896-1909), sous-secrétaire d'État aux Affaires extérieures (1909-1925)

Porsild, Alf Erling, botaniste en chef par intérim, Musée national du Canada (1936-1941); vice-consul consul par intérim au Groenland (1940-1943); botaniste en chef, Musée national du Canada (1946-1967)

Porsild, Morten Pedersen, chef de la station scientifique, Godhavn (Qeqertarsuaq), Groenland (1906-1946)

Power, Augustus, premier commis, ministère de la Justice (1879-1908); légiste (1908-1912)

Power, Charles Gavan (« Chubby »), ministre de la Défense nationale pour l'air, et ministre associé de la Défense nationale (1940-1944)

Pratt, Wallace Everette, géologue et vice-président, Standard Oil Company of New Jersey (1942-1945)

Préfontaine, Joseph Raymond Fournier, ministre de la Marine et des Pêcheries (1902-1905)

Prince, Edward Ernest, commissaire des Pêcheries (1892-1924)

Putnam, George Palmer, éditeur; chef, expedition Putnam à l'île de Baffin (1927)

Rakovski (or Rakovsky), Christian (or Khristian) Georgievich, Chargé d'affaires, Mission of Union of Soviet Socialist Republics in United Kingdom (1923-1925); chief negotiator for Union of Soviet Socialist Republics, Anglo-Soviet Conference (1924)

Rasmussen, Knud Johan Victor, ethnographer and explorer

Read, John Erskine, Legal Adviser, Department of External Affairs (1929-1946)

Reed, Hayter, Deputy Superintendent General of Indian Affairs (1893-1897)

Reeve, William Day, Church of England missionary; Bishop of Mackenzie River (1891-1907)

Richards, Frederick William, First Naval Lord, United Kingdom (1893-1899)

Ripon, George Frederick Samuel Robinson, Marquess of, Secretary of State for the Colonies, United Kingdom (1892-1895)

Ritchie, James, North-West/ Royal North-West/ Royal Canadian Mounted Police (1891-1930); Officer Commanding "G" Division, Edmonton (1923-1929)

Ritchie, William Johnstone, Chief Justice of Canada (1879-1892)

Rivet, Louis Alfred Adhémar, Stipendiary Magistrate, Northwest Territories (1923-1928)

Robertson, Norman Alexander, Under-Secretary of State for External Affairs (1941-1946); High Commissioner in United Kingdom (1946-1949); Clerk of Privy Council and Secretary to the Cabinet (1949-1952)

Robins, Thomas Matthew, Assistant Chief of Engineers, United States Army (1939-1943)

Roche, William James, Minister of the Interior (1912-1917); Minister of Mines (1912-1913)

Roosevelt, Elliott, 21st Reconnaissance Squadron, United States Army Air Forces (1941)

Roosevelt, Franklin Delano, President of United States (1933-1945)

Rowatt, Hugh Howard, Deputy Minister of the Interior (1931-1934); Commissioner of the Northwest Territories (1931-1934)

Rakovski (ou Rakovsky), Christian (ou Khristian) Georgievich, chargé d'affaires, mission de l'Union des républiques socialistes soviétiques au Royaume-Uni (1923-1925); négociateur en chef pour l'Union des républiques socialistes soviétiques, Conférence anglo-soviétique (1924)

Rasmussen, Knud Johan Victor, ethnographe et explorateur

Read, John Erskine, conseiller juridique, ministère des Affaires extérieures (1929-1946)

Reed, Hayter, surintendant général adjoint des Affaires indiennes (1893-1897)

Reeve, William Day, missionnaire de l'Église d'Angleterre; évêque, diocèse du fleuve Mackenzie (1891-1907)

Richards, Frederick William, premier lord naval, Royaume-Uni (1893-1899)

Ripon, George Frederick Samuel Robinson, marquis de, secrétaire d'État aux Colonies, Royaume-Uni (1892-1895)

Ritchie, James, Police à cheval du Nord-Ouest/ Royale gendarmerie à cheval du Nord-Ouest/ du Canada (1891-1930); officier commandant la division « G », Edmonton (1923-1929)

Ritchie, William Johnstone, juge en chef du Canada (1879-1892)

Rivet, Louis Alfred Adhémar, magistrat stipendiare, Territoires du Nord-Ouest (1923-1928)

Robertson, Norman Alexander, sous-secrétaire d'État aux Affaires extérieures (1941-1946); haut-commissaire au Royaume-Uni (1946-1949); greffier du Conseil privé et secrétaire du Cabinet (1949-1952)

Robins, Thomas Matthew, chef adjoint du corps des ingénieurs, armée des États-Unis (1939-1943)

Roche, William James, ministre de l'Intérieur (1912-1917); ministre des Mines (1912-1913)

Roosevelt, Elliott, 21^e escadron de reconnaissance, forces aériennes de l'armée des États-Unis (1941)

Roosevelt, Franklin Delano, président des États-Unis d'Amérique (1933-1945)

Rowatt, Hugh Howard, sous-ministre de l'Intérieur (1931-1934); commissaire des Territoires du Nord-Ouest (1931-1934)

Rutherford, John Gunion, Chair, Royal Commission on Possibilities of Reindeer and Musk-ox Industries in the Arctic and Sub-Arctic Regions (1919-1921)

St-Laurent, Louis Stephen, Minister of Justice (1941-1946, 1948); Secretary of State for External Affairs (1946-1948); Prime Minister (1948-1957)

Sainville, Victor-Édouard, Comte de, explorateur

Salisbury, Robert Arthur Talbot Gascoyne Cecil, Marquess of, Secretary of State for Foreign Affairs, United Kingdom (1878-1880, 1885-1886, 1887-1892, 1895-1900); Prime Minister (1885-1886, 1886-1892, 1895-1902)

Sandys Wunsch, Theodore Vincent, Royal North-West Royal Canadian Mounted Police (1911-1914, 1919-1947)

Sargent, Orme Garton, Clerk, American Department, Foreign Office, United Kingdom (1906-1910)

Sayers, Gerald Fleming, temporary Assistant Principal, Dominions Division, Colonial Office Dominions Office, United Kingdom (1924-1925)

Schmidt, Otto Yulievich, Director of Northern Sea Route Administration, Union of Soviet Socialist Republics (1932-1939)

Schou, Peter Christian, Consul General of Denmark (1921-1924)

Schultz, John Christian, Lieutenant Governor of Manitoba and Keewatin (1888-1895)

Scott, Duncan Campbell, Deputy Superintendent General of Indian Affairs (1913-1932)

Scott, Francis Reginald, Professor, Faculty of Law, McGill University

Scott, Richard William, Secretary of State (1874-1878, 1896-1908); Acting Minister of the Interior (1876, 1896)

Seely, John Edward Bernard, Parliamentary Under-Secretary of State for the Colonies, United Kingdom (1908-1911)

Selwyn, Alfred Richard Cecil, Director, Geological Survey, Geological and Natural History Survey (1869-1895)

Semmens, John, Methodist missionary; Inspector of Indian Agencies, Lake Winnipeg and Rat Portage, Kenora/ Lake of the Woods Inspectorates, Department of Indian Affairs (1905-1920)

Rutherford, John Gunion, président, Commission royale pour enquêter sur l'industrie du renne et du bœuf musqué dans les régions arctiques et subarctiques du Canada (1919-1921)

St-Laurent, Louis Stephen, ministre de la Justice (1941-1946, 1948), secrétaire d'État aux Affaires extérieures (1946-1948), premier ministre (1948-1957)

Sainville, Victor-Édouard de, comte de, explorateur

Salisbury, Robert Arthur Talbot Gascoyne Cecil, marquis de, secrétaire d'État aux Affaires étrangères, Royaume-Uni (1878-1880, 1885-1886, 1887-1892, 1895-1900), premier ministre (1885-1886, 1886-1892, 1895-1902)

Sandys Wunsch, Theodore Vincent, Royale gendarmerie à cheval du Nord-Ouest du Canada (1911-1914, 1919-1947)

Sargent, Orme Garton, commis, Département de l'Amérique, Foreign Office, Royaume-Uni (1906-1910)

Sayers, Gerald Fleming, commis temporaire, Division des Dominions, ministère des Colonies Bureau des Dominions, Royaume-Uni (1924-1925)

Schmidt, Otto Yulievich, directeur, administration de la route maritime du Nord, Union des républiques socialistes soviétiques (1932-1939)

Schou, Peter Christian, consul général du Danemark (1921-1924)

Schultz, John Christian, lieutenant-gouverneur du Manitoba et de Keewatin (1888-1895)

Scott, Duncan Campbell, surintendant général adjoint des Affaires indiennes (1913-1932)

Scott, Francis Reginald, professeur, Faculté de droit, Université McGill

Scott, Richard William, secrétaire d'État (1874-1878, 1896-1908); ministre de l'Intérieur par intérim (1876, 1896)

Seely, John Edward Bernard, sous-secrétaire d'État parlementaire aux Colonies, Royaume-Uni (1908-1911)

Selwyn, Alfred Richard Cecil, directeur, Commission géologique, Commission de géologie et d'histoire naturelle (1869-1895)

Semmens, John, missionnaire méthodiste, inspecteur des agences indiennes, Inspectorats de lac Winnipeg et Portage Rat, Kenora, lac des Bois, ministère des Affaires indiennes (1905-1920)

Seymour, Horace James, Counsellor and Head of Northern Department, Foreign Office, United Kingdom (1929-1932)

Shackleton, Edward Arthur Alexander, explorer

Shackleton, Ernest Henry, explorer

Sheils, George Kingsley, Deputy Minister of Munitions and Supply (1940-1945)

Sifton, Clifford, Minister of the Interior (1896-1905)

Skelton, Oscar Douglas, Under-Secretary of State for External Affairs (1925-1941)

Skvirsky, Boris Evseevich, Counsellor, Embassy of Union of Soviet Socialist Republics in United States (1933-1936)

Sladen, Arthur French, Private Secretary to Governor General (1898-1922); Governor General's Secretary (1922-1926)

Smart, James Allan, Deputy Minister of the Interior (1897-1904)

Smith, William, Deputy Minister of Marine/ Marine and Fisheries (1867-1896)

Somers Cocks, Philip Alphonso, Assistant Clerk, American Department, Foreign Office, United Kingdom (1900-1907)

Soper, Joseph Dewey, Naturalist, Victoria Memorial Museum (1923-1927); Investigator, Northwest Territories and Yukon Branch, Department of the Interior (1928-1931)

Spain, Osprey George Valentine, Commander of Fisheries Protection Service (1895-1907); Commissioner of Wrecks and Pilotage (1908-1909)

Sperling, Rowland Arthur Charles, Clerk, Foreign Office, United Kingdom (1899-1919); Assistant Secretary and Head of American/ American and African Department (1919-1924)

Stallworthy, Henry Webb, Royal North-West/ Royal Canadian Mounted Police (1914-1946); Corporal commanding Bache Peninsula Detachment (1930-1933); Canadian government representative on Oxford University Ellesmere Land Expedition (1934-1935)

Starnes, Cortlandt, North-West/ Royal North-West/ Royal Canadian Mounted Police (1886-1931); Assistant Commissioner (1922-1923); Commissioner (1923-1931)

Seymour, Horace James, conseiller et chef, Département du Nord, Foreign Office, Royaume-Uni (1929-1932)

Shackleton, Edward Arthur Alexander, explorateur

Shackleton, Ernest Henry, explorateur

Sheils, George Kingsley, sous-ministre des Munitions et Approvisionnements (1940-1945)

Sifton, Clifford, ministre de l'Intérieur (1896-1905)

Skelton, Oscar Douglas, sous-secrétaire d'État aux Affaires extérieures (1925-1941)

Skvirsky, Boris Evseevich, conseiller, ambassade de l'Union des républiques socialistes soviétiques aux États-Unis (1933-1936)

Sladen, Arthur French, secrétaire particulier du gouverneur général (1898-1922); secrétaire du gouverneur général (1922-1926)

Smart, James Allan, sous-ministre de l'Intérieur (1897-1904)

Smith, William, sous-ministre de la Marine/ de la Marine et des Pêcheries (1867-1896)

Somers Cocks, Philip Alphonso, commis adjoint, Département de l'Amérique, Foreign Office, Royaume-Uni (1900-1907)

Soper, Joseph Dewey, naturaliste, Musée commémoratif Victoria (1923-1927); enquêteur, Secteur des Territoires du Nord-Ouest et du Yukon, ministère de l'Intérieur (1928-1931)

Spain, Osprey George Valentine, commandant, Service de protection des pêcheries (1895-1907); commissaire aux sinistres maritimes et au pilotage (1908-1909)

Sperling, Rowland Arthur Charles, commis, Foreign Office, Royaume-Uni (1899-1919); secrétaire adjoint et chef, Département de l'Amérique/ de l'Amérique et de l'Afrique (1919-1924)

Stallworthy, Henry Webb, Royale gendarmerie à cheval du Nord-Ouest/ du Canada (1914-1946); caporal commandant le détachement de la presqu'île Bache (1930-1933); représentant du gouvernement du Canada au cours de l'expédition de l'Université d'Oxford à l'île d'Ellesmere (1934-1935)

Starnes, Cortlandt, Police à cheval du Nord-Ouest/ Royale gendarmerie à cheval du Nord-Ouest/ du Canada (1886-1931); commissaire adjoint (1922-1923); commissaire (1923-1931)

Steckmest, Sigurd, Vice-Consul of Norway (1921-1934)

Steele, Harwood Elmes Robert, secretary and historian, Eastern Arctic Patrol (1925)

Steen, Daniel Dominic, Counsellor, Legation of Norway in United States (1921-1925); Counsellor, Legation of Norway in United Kingdom (1926-1934); Consul General of Norway (1934-1942); Minister of Norway (1942-1953)

Stefansson, Vilhjalmur, explorer; commander of Canadian Arctic Expedition (1913-1918)

Stevenson, Leigh Forbes, Officer Commanding Royal Canadian Air Force in United Kingdom (1940-1941)

Stewart, Charles, Minister of the Interior (1922-1926, 1926-1930)

Storkerson, Storker Teodor, member of Canadian Arctic Expedition (1914-1919)

Strathcona and Mount Royal, Donald Alexander Smith, Baron, Governor of Hudson's Bay Company (1889-1914); High Commissioner in United Kingdom (1896-1914)

Street, Arthur William, Permanent Under-Secretary of State for Air, United Kingdom (1939-1945)

Stringer, Isaac O., Church of England missionary; Bishop of Whitehorse (1902-1905); Bishop of Selkirk (later Yukon) (1905-1931)

Strong, Henry, Chief Justice of Canada (1892-1902)

Sverdrup, Otto Neumann, explorer

Taschereau, Henri-Elzéar, Chief Justice of Canada (1902-1906)

Taylor, Alfred James Towle, engineer and businessman; vice-president, Stefansson Arctic Exploration and Development Company (1921-1924)

Thomas, James Henry, Secretary of State for the Colonies, United Kingdom (1924, 1931); Secretary of State for Dominion Affairs (1930-1935)

Thompson, John Sparrow David, Minister of Justice (1885-1894); Acting Minister of the Interior (1890); Prime Minister (1892-1894); Acting President of Privy Council (1894)

Tizard, Thomas Henry, Assistant Hydrographer, Royal Navy, United Kingdom (1891-1907)

Steckmest, Sigurd, vice-consul de Norvège (1921-1934)

Steele, Harwood Elmes Robert, secrétaire et historien, patrouille de l'Arctique oriental (1925)

Steen, Daniel Dominic, conseiller, légation de Norvège aux États-Unis (1921-1925); conseiller, légation de Norvège au Royaume-Uni (1926-1934); consul général de Norvège (1934-1942); ministre de Norvège (1942-1953)

Stefansson, Vilhjalmur, explorateur; commandant, Expédition canadienne dans l'Arctique (1913-1918)

Stevenson, Leigh Forbes, officier commandant l'Aviation royale canadienne au Royaume-Uni (1940-1941)

Stewart, Charles, ministre de l'Intérieur (1922-1926, 1926-1930)

Storkerson, Storker Teodor, membre de l'Expédition canadienne dans l'Arctique (1914-1919)

Strathcona et Mount Royal, Donald Alexander Smith, baron, gouverneur de la Compagnie de la Baie d'Hudson (1889-1914); haut-commissaire au Royaume-Uni (1896-1914)

Street, Arthur William, sous-secrétaire d'État permanent à l'Aviation, Royaume-Uni (1939-1945)

Stringer, Isaac O., missionnaire de l'Église d'Angleterre; évêque, diocèse de Whitehorse (1902-1905); évêque, diocèse de Selkirk (appelé plus tard diocèse du Yukon) (1905-1931)

Strong, Henry, juge en chef du Canada (1892-1902)

Sverdrup, Otto Neumann, explorateur

Taschereau, Henri-Elzéar, juge en chef du Canada (1902-1906)

Taylor, Alfred James Towle, ingénieur et homme d'affaires; vice-président, Stefansson Arctic Exploration and Development Company (1921-1924)

Thomas, James Henry, secrétaire d'État aux Colonies, Royaume-Uni (1924, 1931); secrétaire d'État aux Affaires des Dominions (1930-1935)

Thompson, John Sparrow David, ministre de la Justice (1885-1894); ministre de l'Intérieur par intérim (1890); premier ministre (1892-1894); président par intérim du Conseil privé (1894)

Tizard, Thomas Henry, hydrographe adjoint, Marine royale, Royaume-Uni (1891-1907)

Tredgold, Thomas Henry, Royal North-West/ Royal Canadian Mounted Police (1918-1938)

Troop, Arthur Gordon, Law Clerk and Parliamentary Counsel, House of Commons (1923-1936)

Trutch, Joseph William, Agent of Dominion Government in British Columbia (1879-1889)

Tucker, Robert Edward, Officer Commanding "B" Division, Dawson, Royal Canadian Mounted Police (1920-1922)

Turner, Joseph William Lorne, Director, Lands, Northwest Territories and Yukon Branch, Department of the Interior (1934-1936)

Tyrrell, William George, Permanent Under-Secretary of State for Foreign Affairs, United Kingdom (1925-1928)

Ulio, James Alexander, Adjutant General, United States Army (1942-1946)

Urquhart, James Alfred, Medical Officer (1939-1943) and Acting District Agent (1942) at Fort Smith, Northwest Territories, Lands, Parks and Forests Branch, Department of Mines and Resources

Vallance, William Roy, Office of the Solicitor/ Office of the Legal Adviser, Department of State, United States (1918-1957)

Van Anda, Carr, Managing Editor, *New York Times* (1904-1932)

Vankoughnet, Lawrence, Deputy Superintendent General of Indian Affairs (1874-1893)

Vansittart, Robert Gilbert, Principal Private Secretary to Secretary of State for Foreign Affairs, United Kingdom (1920-1924); Head of American and African Department, Foreign Office (1924-1928); Principal Private Secretary to Prime Minister (1928-1930); Permanent Under-Secretary of State for Foreign Affairs (1930-1938)

Venning, Robert Norris, Assistant Commissioner of Fisheries (1903-1908); Superintendent of Fisheries (1908-1911)

Vernon, Mark Henry, Royal North-West/ Royal Canadian Mounted Police (1909-1915, 1919-1939); Officer Commanding Headquarters Division, Ottawa (1923-ca. 1931)

Villiers, Francis Hyde, Assistant Under-Secretary of State for Foreign Affairs, United Kingdom (1896-1905)

Tredgold, Thomas Henry, Royale gendarmerie à cheval du Nord-Ouest/ du Canada (1918-1938)

Troop, Arthur Gordon, légiste et conseiller parlementaire, Chambre des communes (1923-1936)

Trutch, Joseph William, agent du gouvernement du Dominion en Colombie-Britannique (1879-1889)

Tucker, Robert Edward, officier commandant la division « B », Dawson, Royale gendarmerie à cheval du Canada (1920-1922)

Turner, Joseph William Lorne, directeur, Secteur des Terres, des Territoires du Nord-Ouest et du Yukon, ministère de l'Intérieur (1934-1936)

Tyrrell, William George, sous-secrétaire d'État permanent aux Affaires étrangères, Royaume-Uni (1925-1928)

Ulio, James Alexander, adjudant général, armée des États-Unis (1942-1946)

Urquhart, James Alfred, médecin (1939-1943) et agent de district par intérim (1942) à Fort Smith, Territoires du Nord-Ouest, Secteur des terres, parcs et forêts, ministère des Mines et des Ressources

Vallance, William Roy, Bureau du solliciteur/ du conseiller juridique, département d'État, États-Unis (1918-1957)

Van Anda, Carr, directeur de la rédaction, *New York Times* (1904-1932)

Vankoughnet, Lawrence, surintendant général adjoint des Affaires indiennes (1874-1893)

Vansittart, Robert Gilbert, secrétaire particulier principal du secrétaire d'État aux Affaires étrangères, Royaume-Uni (1920-1924); chef, Département de l'Amérique et de l'Afrique, Foreign Office (1924-1928); secrétaire particulier principal du premier ministre (1928-1930); sous-secrétaire d'État permanent aux Affaires étrangères (1930-1938)

Venning, Robert Norris, sous-commissaire des Pêcheries (1903-1908); surintendant des Pêcheries (1908-1911)

Vernon, Mark Henry, Royale gendarmerie à cheval du Nord-Ouest/ du Canada (1909-1915, 1919-1939); officier commandant la division des quartiers généraux, Ottawa (1923-vers 1931)

Villiers, Francis Hyde, sous-secrétaire d'État adjoint aux Affaires étrangères, Royaume-Uni (1896-1905)

Villiers, Gerald Hyde, Assistant Secretary, Counsellor, Foreign Office, United Kingdom (1921-1929)

Vogt, Benjamin, Minister of Norway in United Kingdom (1910-1934)

Wakeham, William, Fisheries Inspector (1879-1915); commander of government expedition in SS *Diana* (1897)

Walker, Charles, Deputy Secretary of the Admiralty, United Kingdom (1921-1931)

Walker, William Henry, Clerk, Governor General's Office (1887-1909); Chief Clerk, Department of External Affairs (1909-1912); Assistant Under-Secretary of State for External Affairs (1912-1933)

Wallace, Nathaniel Clarke, Controller of Customs (1892-1895)

Warner, George Redston, First Secretary, Northern Department, Foreign Office, United Kingdom (1921-1923); First Secretary, American and African Department (1923-1925); Counsellor and Head of Treaty Department (1925-1934)

Webb, Sidney, *see* Passfield

Wedel-Jarlsberg, Frederik Hartvig Herman, Minister of Norway in France (1906-1930)

Weed, Alfred Cleveland, Assistant Curator, Curator, Field Museum of Natural History, Chicago (1921-1942)

Weeks, Wingate H., Purser, DGS *Arctic* (1906-1907)

Wershof, Max Hirsch, Department of External Affairs (1937-1974); Third Secretary (1937-1943)

Wharton, William James Lloyd, Hydrographer, Royal Navy, United Kingdom (1884-1904)

Wheeler, George Post, Counsellor, Embassy of United States in United Kingdom (1921-1924)

Whitcher, Arthur Henry, Secretary, Geographic Board (1897-1916)

White, Frederick, Comptroller, North-West Royal North-West Mounted Police (1880-1913); Commissioner of Northwest Territories (1905-1918)

Villiers, Gerald Hyde, secrétaire adjoint, conseiller, Foreign Office, Royaume-Uni (1921-1929)

Vogt, Benjamin, ministre de Norvège au Royaume-Uni (1910-1934)

Wakeham, William, inspecteur des pêcheries (1879-1915); commandant, expédition du gouvernement à bord du SS *Diana* (1897)

Walker, Charles, sous-secrétaire de l'Amirauté, Royaume-Uni (1921-1931)

Walker, William Henry, commis, Cabinet du gouverneur général (1887-1909), premier commis, ministère des Affaires extérieures (1909-1912), sous-secrétaire d'État adjoint aux Affaires extérieures (1912-1933)

Wallace, Nathaniel Clarke, contrôleur des Douanes (1892-1895)

Warner, George Redston, premier secrétaire, Département du Nord, Foreign Office, Royaume-Uni (1921-1923); premier secrétaire, Département de l'Amérique et de l'Afrique (1923-1925), conseiller et chef, Département des traites (1925-1934)

Webb, Sidney, *voir* Passfield

Wedel-Jarlsberg, Frederik Hartvig Herman, ministre de Norvège en France (1906-1930)

Weed, Alfred Cleveland, conservateur adjoint, conservateur, Musée Field d'histoire naturelle, Chicago (1921-1942)

Weeks, Wingate H., commissaire de bord, DGS *Arctic* (1906-1907)

Wershof, Max Hirsch, ministère des Affaires extérieures (1937-1974); troisième secrétaire (1937-1943)

Wharton, William James Lloyd, hydrographe, Marine royale, Royaume-Uni (1884-1904)

Wheeler, George Post, conseiller, ambassade des États-Unis au Royaume-Uni (1921-1924)

Whitcher, Arthur Henry, secrétaire, Commission de géographie du Canada (1897-1916)

White, Frederick, contrôleur, Police à cheval du Nord-Ouest, Royale gendarmerie à cheval du Nord-Ouest (1880-1913); commissaire des Territoires du Nord-Ouest (1905-1918)

White, James, Geological and Natural History Survey/ Geological Survey (1884-1899); Assistant Topographer (1884-1894); Geographer and Chief Draughtsman (1894-1899); Geographer/ Chief Geographer, Department of the Interior (1899-1909); Secretary/ Deputy Head, Commission of Conservation (1909-1921); Technical Adviser, Department of Justice (1922-1928)

White, Thomas, Minister of the Interior (1885-1888)

Whiteway, William Vallance, Solicitor General, Newfoundland (1874-1878); Premier (1878-1885)

Whitney, Harry Payne, millionaire and sportsman

Wight, James Edward Freeman, Royal North-West/ Royal Canadian Mounted Police (1914-1945)

Wilbur, Curtis Dwight, Secretary of Navy, United States (1924-1929)

Wilcox, Charles Ernest, Royal North-West/ Royal Canadian Mounted Police (1905-1936); Officer Commanding Ellesmere/ Eastern Arctic Sub-District (1922-1928)

Wilkins, George Hubert, explorer; photographer, Canadian Arctic Expedition (1913-1916)

Willert, Arthur, Head of News Department, Foreign Office, United Kingdom (1921-1935)

Willington, Freeman Freeman-Thomas, Viscount, Governor General (1926-1931)

Wilson, John Armistead, Assistant Deputy Minister of the Naval Service (1918-1923); Secretary and Assistant Director, Canadian/ Royal Canadian Air Force (1923-1927); Controller of Civil Aviation, Department of National Defence (1927-1936); Controller of Civil Aviation, Department of Transport (1936-1941); Director of Air Services, Department of Transport (1941-1945)

Wingfield, Charles John FitzRoy Rhys, Minister of United Kingdom in Norway (1929-1934)

Wingfield, Edward, Permanent Under-Secretary of State for the Colonies, United Kingdom (1897-1900)

Wood, Stuart Taylor, Royal North-West/ Royal Canadian Mounted Police (1912-1918, 1919-1951); Officer Commanding Arctic Sub-District, Herschel Island (1919-1924); Commissioner (1938-1951)

White, James, Commission de géologie et d'histoire naturelle/ Commission géologique (1884-1899); topographe adjoint (1884-1894); géographe et chef dessinateur (1894-1899); géographe/ chef géographe, ministère de l'Intérieur (1899-1909); secrétaire/ chef adjoint, Commission de la conservation (1909-1921); conseiller technique, ministère de la Justice (1922-1928)

White, Thomas, ministre de l'Intérieur (1885-1888)

Whiteway, William Vallance, solliciteur général, Terre-Neuve (1874-1878); premier ministre, Terre-Neuve (1878-1885)

Whitney, Harry Payne, millionnaire et sportif

Wight, James Edward Freeman, Royale gendarmerie à cheval du Nord-Ouest/ du Canada (1914-1945)

Wilbur, Curtis Dwight, secrétaire de la Marine, États-Unis (1924-1929)

Wilcox, Charles Ernest, Royale gendarmerie à cheval du Nord-Ouest/ du Canada (1905-1936); officier commandant le sous-district d'Ellesmere, le sous-district arctique oriental (1922-1928)

Wilkins, George Hubert, explorateur; photographe, Expédition canadienne dans l'Arctique (1913-1916)

Willert, Arthur, chef, Département des nouvelles, Foreign Office, Royaume-Uni (1921-1935)

Willington, Freeman Freeman-Thomas, vicomte, gouverneur général (1926-1931)

Wilson, John Armistead, sous-ministre adjoint du Service naval (1918-1923); secrétaire et directeur adjoint, Aviation canadienne/ Aviation royale canadienne (1923-1927); contrôleur de l'aviation civile, ministère de la Défense nationale (1927-1936); contrôleur de l'aviation civile, ministère des Transports (1936-1941); directeur des Services aériens, ministère des Transports (1941-1945)

Wingfield, Charles John FitzRoy Rhys, ministre du Royaume-Uni en Norvège (1929-1934)

Wingfield, Edward, sous-secrétaire d'État permanent aux Colonies, Royaume-Uni (1897-1900)

Wood, Stuart Taylor, Royale gendarmerie à cheval du Nord-Ouest/ du Canada (1912-1918, 1919-1951); officier commandant le sous-district arctique, île Herschel (1919-1924); commissaire (1938-1951)

Worsham, Ludson Dixon, Division Engineer, Northwest Engineer Division, United States Army Corps of Engineers (1943-1944); Commanding General, Northwest Service Command, United States Army (1944)

Wright, James Goldwin, Superintendent of Eastern Arctic; Head of Arctic Division, Bureau of Northwest Territories and Yukon Affairs, Lands, Parks and Forests Branch; Lands and Development Services Branch, Department of Mines and Resources (1946-1950); Officer in Charge of Eastern Arctic Patrol (1945-1947); Secretary of Northwest Territories Council (1945-1952)

Wrigley, Joseph, Trade Commissioner, Hudson's Bay Company (1884-1891)

Wrong, Humphrey Hume, Counsellor, Legation in United States (1930-1937); Assistant Under-Secretary of State for External Affairs (1942-1944); Associate Under-Secretary of State for External Affairs (1944-1946)

Young, P.L., Chief Clerk, Correspondence Branch, Customs and Excise Divisions, Department of National Revenue (1927-ca. 1937)

Worsham, Ludson Dixon, ingénieur de division, division du Nord-Ouest du génie, Army Corps of Engineers, États-Unis (1943-1944); général commandant, Northwest Service Command, armée des États-Unis (1944)

Wright, James Goldwin, surintendant de l'Arctique oriental; chef de la Direction de l'Arctique, Direction générale des Territoires du Nord-Ouest et du Yukon, Secteur des terres, parcs et forêts; Secteur des terres et des services de développement, ministère des Mines et des Ressources (1946-1950); officier responsable de la patrouille de l'Arctique oriental (1945-1947); secrétaire du Conseil des Territoires du Nord-Ouest (1945-1952)

Wrigley, Joseph, commissaire pour le Commerce, Compagnie de la Baie d'Hudson (1884-1891)

Wrong, Humphrey Hume, conseiller, legation aux États-Unis (1930-1937); sous-secrétaire d'État adjoint aux Affaires extérieures (1942-1944); sous-secrétaire d'État associé aux Affaires extérieures (1944-1946)

Young, P.L., premier commis, Direction de la correspondance, Secteurs des douanes et de l'accise, ministère du Revenu national (1927-vers 1937)

LIST OF ABBREVIATIONS LISTE DES ABRÉVIATIONS

ACND: Advisory Committee on Northern Development
ADM: Assistant Deputy Minister; Admiralty
AG: Attorney General
a.i.: ad interim
AMAS: Air Member for Air Staff
ATB: Advisory Technical Board
Bart.: Baronet
BCP : Bureau du Conseil privé
BOM: [on] behalf of Minister?
CAS: Chief of the Air Staff
CCA: Controller of Civil Aviation
CCN : Conseil consultatif du Nord
CCT : Conseil consultatif technique
CGC : Commission géologique du Canada
CGS: Canadian Government Ship; Chief of the General Staff
CMG: Companion of the Order of St. Michael and St. George
CVO: Commander of the Royal Victorian Order
CO: Colonial Office
CPJI : Cour permanente de Justice internationale
CTNO : Conseil des Territoires du Nord-Ouest
DCER: *Documents on Canadian External Relations*
DD: Doctor of Divinity
DEA: Department of External Affairs
DGS: Dominion Government Ship
DLS: Dominion Land Surveyor
DM: Deputy Minister
DO: Dominions Office
DRREC : *Documents relatifs aux relations extérieures du Canada*
DSO: Distinguished Service Order
E/PJ: enclosure/ pièce jointe
FO: Foreign Office
FRGS: Fellow of the Royal Geographical Society
FRS: Fellow of the Royal Society
GCB: Knight Grand Cross of the Order of the Bath
GCIE: Knight Grand Commander of the Order of the Indian Empire
GCMG: Knight Grand Cross of the Order of St. Michael and St. George
GCNO : Gendarmerie à cheval du Nord-Ouest (1899 à 1904)

- GCSI**: Knight Grand Commander of the Order of the Star of India
- GSC**: Geological Survey of Canada
- HBC**: Hudson's Bay Company
- HBM**: Her/His Britannic Majesty
- HE**: His Excellency
- HL**: His Lordship
- HM**: Her/His Majesty
- HMG**: Her/His Majesty's Government
- i.a.**: *inter alia*
- inst**: instant
- KC**: King's Counsel
- KCB**: Knight Commander of the Order of the Bath
- KCMG**: Knight Commander of the Order of St. Michael and St. George
- KCVO**: Knight Commander of the Royal Victorian Order
- KG**: Knight of the Order of the Garter
- KP**: Knight of the Order of St. Patrick
- KT**: Knight of the Order of the Thistle
- LO**: Law Officers [Solicitor General and/et Attorney General, United Kingdom/ Royaume-Uni]
- MAE**: Ministère des Affaires extérieures
- MC**: Military Cross; ministère des Colonies
- MG**: Manuscript Group
- M/N**: minute/ note
- MS**: Motor Ship
- MVO**: Member of the Royal Victorian Order
- NAB**: Northern Advisory Board
- NCO**: Non-Commissioned Officer
- NGC**: Navire du gouvernement canadien
- NWMP**: North-West Mounted Police
- NWT**: Northwest Territories
- NWTC**: Northwest Territories Council
- NWTYB**: Northwest Territories and Yukon Branch
- OC**: Officer Commanding
- OIC**: Order-in-Council
- PC**: Privy Council; Privy Councillor
- PCIJ**: Permanent Court of International Justice
- PCNO**: Police à cheval du Nord-Ouest (1873 à 1899)
- PCO**: Privy Council Office
- PJBD**: Permanent Joint Board on Defence
- prox**: proximo

p.t.: pro tempore

RCMP: Royal Canadian Mounted Police

RCMPV: Royal Canadian Mounted Police Vessel

RG: Record Group

RGCC : Royale gendarmerie à cheval du Canada (1920 à 1949)

RGCNO : Royale gendarmerie à cheval du Nord-Ouest

RN: Royal Navy

RNWMP: Royal North-West Mounted Police

RSC: *Revised Statutes of Canada*

RSFSR: Russian Soviet Federated Socialist Republic / République socialiste fédérative soviétique de Russie

SC: *Statutes of Canada/ Statuts du Canada*

Schr: Schooner

SG: Solicitor General

SRC: *Statuts révisés du Canada*

SSEA: Secretary of State for External Affairs

STNOY : Secteur des Territoires du Nord-Ouest et du Yukon

Str: Steamer

TL: Their Lordships

TN-O : Territoires du Nord-Ouest

ult: ultimo

USSEA: Under-Secretary of State for External Affairs

USSR: Union of Soviet Socialist Republics

VCAS: Vice Chief of the Air Staff

YT: Yukon Territory

MAPS AND PHOTOGRAPHS
CARTES ET PHOTOGRAPHIES

MAPS/ CARTES

Note: All maps reflect the state of geographical knowledge about the Arctic at the relevant time periods.

À noter : Toutes les cartes reflètent l'état des connaissances géographiques sur l'Arctique aux périodes pertinentes.

Map 1: North America shortly before Confederation

Carte 1 : L'Amérique du Nord peu avant la Confédération

Based on maps in the 1850 and 1857 United Kingdom parliamentary reports regarding the Hudson's Bay Company/ Basée sur des cartes contenues dans des rapports parlementaires du Royaume-Uni de 1850 et 1857 concernant la Compagnie de la Baie d'Hudson (*Papers relating to the Legality of the Powers in respect to Territory, Trade, Taxation and Government claimed or exercised by the Hudson's Bay Company* and/ et *Report from the Select Committee on the Hudson's Bay Company*) and on John Arrowsmith's chart/ et sur la carte de John Arrowsmith (*Journal of the Royal Geographical Society*, 1861).

Map 2: Northern Canada: Boundaries suggested by J.S. Dennis, 1875

Carte 2 : Le Nord du Canada : frontières suggérées par J.S. Dennis, 1875

Based on a map in/ Basée sur une carte contenue dans LAC/ BAC, RG 6, vol. 31, file/ dossier 1166.

Map 3: Northern Canada: Boundaries suggested by the Admiralty, 1879

Carte 3 : Le Nord du Canada : frontières suggérées par l'Amirauté britannique, 1879

Based on a map in/ Basée sur une carte contenue dans TNA, CO 700/World 8.

Map 4: Northern Canada: Provisional Districts, 1895

Carte 4 : Le Nord du Canada : districts provisoires, 1895

Based on a map in/ Basée sur une carte contenue dans LAC/ BAC, RG 2, vol. 657, accompanying Order-in-Council 1895-2640/ accompagnant le décret 1895-2640.

Map 5: Northern Canada: Provisional Districts, 1897

Carte 5 : Le Nord du Canada : districts provisoires, 1897

Based on a map in Basée sur une carte contenue dans LAC BAC, RG 2, vol. 748, accompanying Order-in-Council 1897-3388, accompagnant le décret 1897-3388.

The boundary between the Mackenzie and Yukon Districts follows the source map rather than the description in the relevant Order-in-Council. The description was based on faulty geographical information and, if followed according to current knowledge of the region, would result in a boundary very different from the one intended in 1897.

La frontière entre les districts du Mackenzie et du Yukon est conforme à la carte de référence plutôt qu'à la description dans le décret correspondant. Cette description reposait sur des renseignements géographiques erronés et, si elle était suivie selon les connaissances actuelles de la région, elle donnerait lieu à une frontière très différente de celle qui était voulue en 1897.

Map 6: Sector Claim, 1925

Carte 6 : Revendication selon la théorie des secteurs, 1925

Based on a map published by the Northwest Territories and Yukon Branch, Department of the Interior; copy in LAC, RG 85, vol. 347.

Basée sur une carte publiée par le Secteur des Territoires du Nord-Ouest et du Yukon, ministère de l'Intérieur, dont une copie se trouve dans BAC, RG 85, vol. 347.

Map 7: Royal Canadian Mounted Police Patrol, 1929

Carte 7 : Patrouille de la Royale gendarmerie à cheval du Canada, 1929

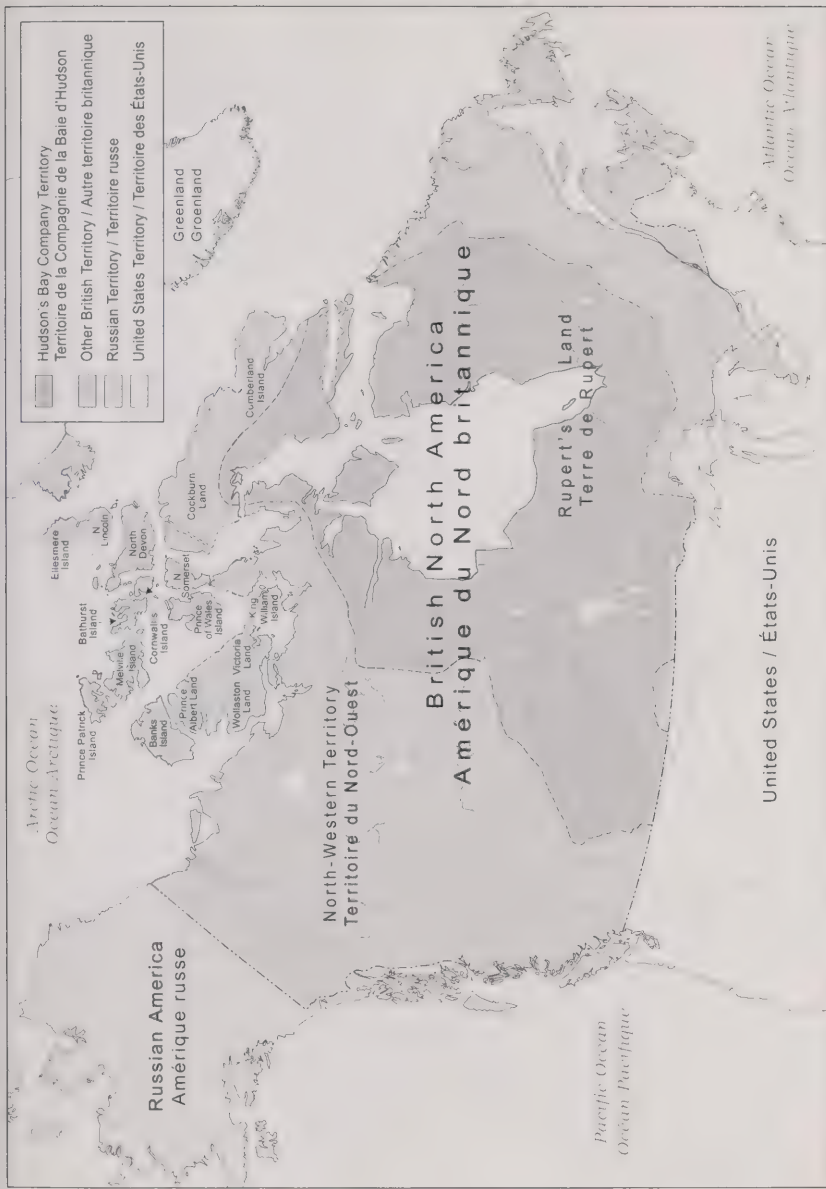
Based on maps in Basée sur des cartes contenues dans LAC BAC, RG 25, vol. 2667, file dossier 9057-A-40 and et RG 85, vol. 1044, file dossier 540-3.

Maps 8.1 to 8.6: Canadian Expeditions to the Arctic, 1884-1899, 1900-1909, 1910-1919, 1920-1929, 1930-1939, 1940-1949

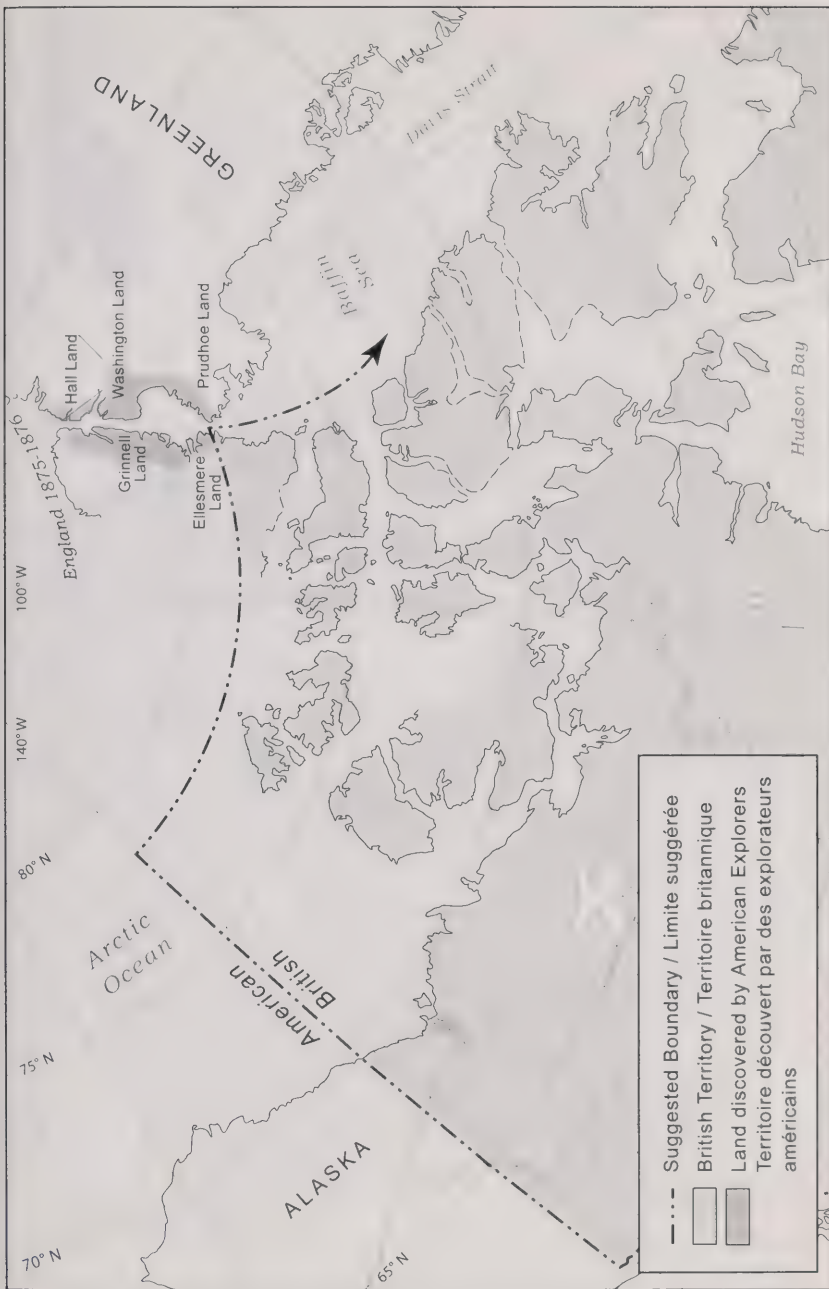
Cartes 8.1 à 8.6 : Expéditions canadiennes dans l'Arctique, 1884-1899, 1900-1909, 1910-1919, 1920-1929, 1930-1939, 1940-1949

Based on maps in Department of Mines and Resources, *Factual Record Supporting Canadian Sovereignty in the Arctic* (1949), copy in Jules Léger Library, Global Affairs Canada. The routes shown in these maps are intended to give a broad general picture of Canadian activity in the Arctic, not to precisely depict the travels undertaken during particular expeditions.

Basées sur des cartes contenues dans Ministère des Mines et des Ressources, *Factual Record Supporting Canadian Sovereignty in the Arctic* (1949), dont un exemplaire est conservé à la bibliothèque Jules-Léger, Affaires mondiales Canada. Les trajets indiqués sur ces cartes visent à donner un aperçu général de l'activité canadienne dans l'Arctique et non pas à représenter précisément les trajets empruntés lors de chaque expédition.









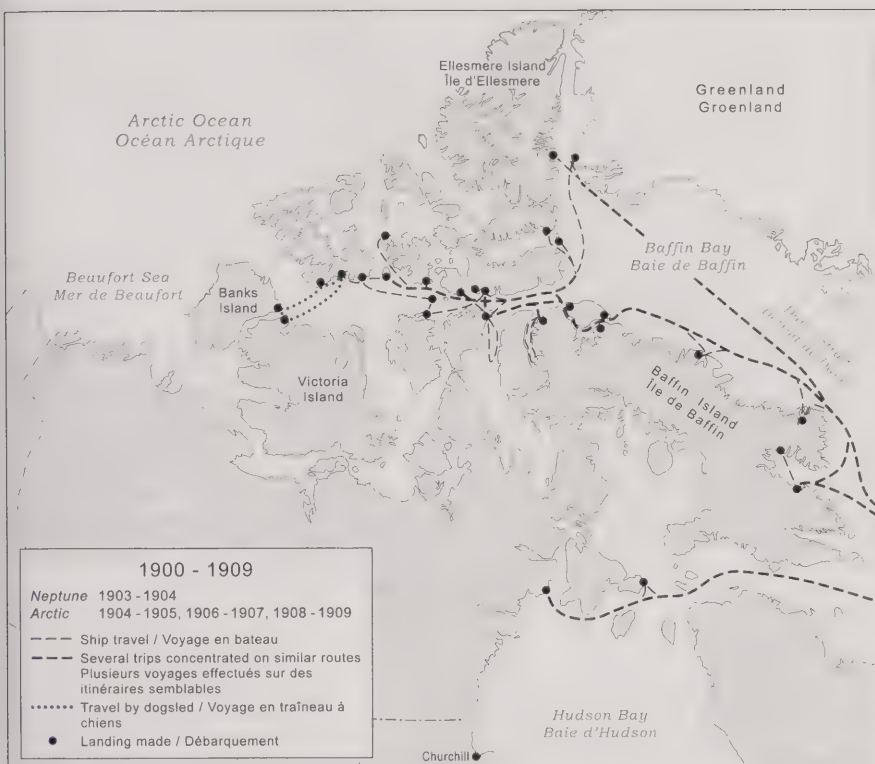




Map 7 | Carte 7



Map 8.1 | Carte 8.1



Map 8.2 | Carte 8.2



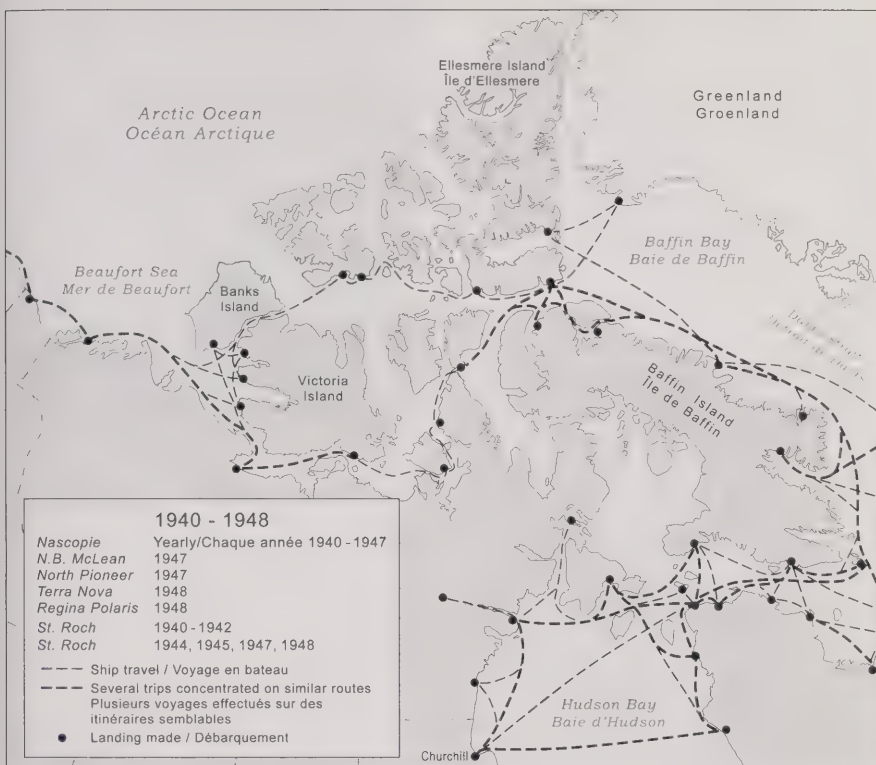
Map 8.3 | Carte 8.3



Map 8.4 | Carte 8.4



Map 8.5 | Carte 8.5



Map 8.6 | Carte 8.6



Fig. 1
George Dawson, 1885
Topley Studio; LAC/ BAC, PA-025522

Fig. 3
T. Mayne Daly, 1891
Topley Studio; LAC/ BAC, PA-025707



Fig. 2
Alexander Mackinnon Burgess, 1889
Topley Studio; LAC/ BAC, PA-042191



Fig. 4

Police post at Fort Cudahy, under construction, 1895. William Ogilvie, LAC BAC PA-012158



Fig. 5
Édouard Deville, 1914
Topley Studio; LAC/ BAC, PA-043041



Fig. 6
Frederick White, 1910
William Topley; LAC/ BAC, PA-167437



Fig. 7
William Wakeham's flag-raising on Baffin Island, 17 August 1897
Levée du drapeau par William Wakeham sur l'île de Baffin, 17 août 1897
Graham Drinkwater; LAC/ BAC, C-084686



Fig. 8
Clifford Sifton, 1900
LAC/ BAC. PA-025940



Fig. 9
Joseph Bernier planning his North Pole expedition, circa 1895
Joseph Bernier planifiant son expédition au pôle Nord, vers 1895
LAC/ BAC. C-000647



Fig. 10
Albert Peter Low, 1887
William Topley; LAC/ BAC, PA-214276



Fig. 11
Major John Douglas Moodie, 1906
William Topley; LAC/ BAC, PA-214048



Fig. 12
SS *Neptune* at Fullerton, 1 July 1903
Le vapeur *Neptune* à Fullerton, 1^{er} juillet 1903
J.D. Moodie; LAC/ BAC, C-001819



Fig. 13

A.P. Low's flag-raising on Ellesmere Island, 11 August 1904
 Levée du drapeau par A.P. Low sur l'île d'Ellesmere, 11 août 1904
 LAC/ BAC, PA-038265



Fig. 14

Members of the Royal North-West Mounted Police at Fullerton, 1905
 Membres de la Royale gendarmerie à cheval du Nord-Ouest à Fullerton, 1905
 Geraldine Moodie; LAC/ BAC, C-001772



Fig. 15

James White, circa/ vers 1908

Natural Resources Canada, Geological Survey of Canada 202313A

Ressources naturelles Canada, Commission géologique du Canada, 202313A



Fig. 16

Joseph Bernier's flag-raising on Bathurst Island, 27 August 1906

Levée du drapeau par Joseph Bernier sur l'île Bathurst, 27 août 1906

George Lancefield; LAC/ BAC, e011166085



Fig. 17

Presentation of Canadian flag to Vilhjalmur Stefansson, Victoria, BC, June 1913

Présentation du drapeau canadien à Vilhjalmur Stefansson, Victoria, C-B, juin 1913

Rudolph Anderson; LAC/ BAC, e002712833



Fig. 18

Canadian flag being raised on Wrangel Island, 1 July 1914

Levée du drapeau canadien sur l'île Wrangel, 1^{er} juillet 1914

John Munro; LAC/ BAC, PA-074079



Fig. 19
William Wallace Cory, 1915
Topley Studio; LAC/ BAC, PA-042945



Fig. 20
J.B. Harkin, circa/ vers 1915
LAC/ BAC, PA-121371



Fig. 21
Oswald Sterling Finnie, 1926
J.A. Castonguay; LAC/ BAC, PA-207161



Fig. 22
John Davidson Craig, 1924
Roy Tash; LAC/ BAC, PA-102322



Fig. 23

Charles Stewart, date unknown/ date inconnue
LAC/ BAC, C-052281



Fig. 24
Roy A. Gibson, 1920
Topley Studio; LAC/ BAC, e011166055



Fig. 28

St Roch leaving Halifax on its second Northwest Passage voyage, 1944. Le *St Roch* quittant Halifax pour son deuxième voyage dans le passage du Nord-Ouest, 1944 | LAC/ BAC, PA-197591

PART ONE/ PREMIÈRE PARTIE

1874-1897

1.
Letter from A.W. Harvey to Under-Secretary of State for the Colonies
Lettre de A.W. Harvey au sous-secrétaire d'État aux Colonies
TNA, CO 42/734

[London,] January 3 1874

Sir,

Can you inform me whether the land known as Cumberland¹ to the West of Davis Straits belongs to Great Britain and if it does, is it under the government of the Dominion of Canada?

I wish to know as during the past two years I have had some fisheries carried on there and shall probably erect some temporary buildings during the present year and should like to know before I do what government claims it.

I have the honor to be
Your obt Servant

A.W. Harvey

Rt: Hon: The Under Secy of State for the Colonies [R.G.W. Herbert]

Minutes/ Notes

Sir H. Holland,

The only way in which Cumberland Island could have belonged to Canada would have been by reason of its transfer to the Dominion with the territories of the Hudson's Bay C^o.

As from the wording of the Hudson's Bay C^o's Charter it was difficult to ascertain for certain whether it did belong to the C^o or not you addressed a letter† to Sir Curtis Lampson asking whether Cumberland Island had ever been claimed by them. His reply† is annexed from which it appears that no part of Cumberland Island ever belonged to the C^o.

It must however I should suppose at some time or other have been taken possession of in the name of The Queen.² If so the Adm^t might know.

The writer asks for an early answer – see his note†³ annexed.

E.B. P[ennell] 15/1/74

¹ That is, the southern part of Baffin Island./ Il s'agit de la partie sud de l'île de Baffin.

² On earlier Colonial Office discussions about sovereignty over Baffin Island, see Introduction. En ce qui concerne les discussions antérieures au sein du ministère des Colonies à propos de la souveraineté sur l'île de Baffin, voir l'introduction.

³ A second note from Harvey, dated 15 January./ Une deuxième note de Harvey, datée du 15 janvier.

Reply² that it did not come within the charter of the Hudsons Bay Territories and is not therefore part of the dominion of Canada, and suggest that he sh^d inquire at the Admiralty whether it has been taken possession of on behalf of H.M.⁴

H. H[olland] 15 1 74

2.

Letter from Lieutenant Governor of Manitoba to Minister of the Interior
Lettre du lieutenant-gouverneur du Manitoba au ministre de l'Intérieur
LAC/BAC, RG 10, vol. 3605, file/ dossier 2892

Government House, Fort Garry,
 January 14th 187[4].

No. 126 n.

Sir,

I have the honour to enclose copy of a memorandum submitted to me, this day, by the Rev^d M^r Bompas, who, I understand is proceeding to England to be consecrated as Bishop of the Church of England for the Diocese of the Mackenzie and Athabaska districts in the North West Territories.

[...]

I have the honour to be,

Sir,

Your obedient servant,

Alex^r Morris

L[ieutenant] G[overnor]

Honb^{le} The Minister of the Interior [David Laird],
 Ottawa.

⁴ Harvey wrote to the Admiralty as suggested. In response, he was informed that the territory was indeed British. See Harvey to Admiralty, 31 January 1874, and Robert Hall to Harvey, 3 February 1874, TNA, ADM 1 6335. In the summer of 1874 Harvey wrote another letter to the Colonial Office in which he asked for fishing and mining concessions at Kingwa Fiord (more commonly spelled Kingua Fiord, and now called Clearwater Fiord). In reply, the Colonial Office stated that consultation with Canada would be necessary. See Carnarvon to Dufferin, 26 August 1874, with enclosed copies of Harvey to Carnarvon, 13 August 1874, and Herbert to Harvey, 25 August 1874, LAC, RG 7 G-11, vol. 44, file 135. In November 1874 another Newfoundlander, William Vallance Whiteway, who may well have been acting on Harvey's behalf, applied to the Canadian government. For the Canadian reply, see doc. 9.

Harvey a écrit à l'Amirauté tel qu'on le laisse entendre. En réponse, il a été informé que le territoire était effectivement britannique. Voir Harvey to Admiralty, 31 January 1874 et Robert Hall to Harvey, 3 February 1874, TNA, ADM 1 6335. Pendant l'été 1874, Harvey a écrit une autre missive au ministère des Colonies dans laquelle il demande des concessions minières et de pêche au fiord Kingwa (plus souvent écrit « Kingua » et maintenant appelé le fiord Clearwater). En réponse, le ministère des Colonies a indiqué qu'une consultation avec le Canada serait nécessaire. Voir Carnarvon to Dufferin, 26 August 1874, avec copies jointes de Harvey to Carnarvon, 13 August 1874 et Herbert to Harvey, 25 August 1874, BAC, RG 7 G-21, vol. 44, dossier 135. En novembre 1874, un autre Terre-Neuvien, William Vallance Whiteway, qui pourrait bien avoir agi au nom de Harvey, a fait une demande au gouvernement canadien. Pour la réponse canadienne, voir doc. 9.

Enclosure: Memorandum by W.C. Bompas**Pièce jointe : Note de W.C. Bompas****Coppy/ Copie****MEMORANDUM RESPECTING THE N.W. TERRITORIES BEYOND PORTAGE LA LOCHE,
THE GREAT EAST & WEST SHED OF THE N.W. TERRITORIES**

1. The Boundary between British Territory and the newly acquired American Territory of Alaska is quite undefined. An American officer⁵ ascended the river Yukon about 4 years since with the view of ascertaining the Longitude of Fort Yukon a trading station of the Hudson's Bay C^y. This was decided by him to be on American territory, & the H.B. C^y thereupon received notice to quit on the ground that it is contrary to American Law for a foreigner to remain in Alaska or any other Indian Territory of the United States without a special License.

2. Previous to the cession of Alaska by Russia to America, a treaty existed between Russia & England forbidding either nation to have a Trading Post in the Territory of the other and it might be contended that the U. States, took the Territory subject to existing Treaties. However it is believed that the Americans consider they have the right if they please now to trade on the English side of the Border.

3. It would seem desirable as the English & American traders have now both of them trading posts in the immediate vicinity of the border, that the position of this line should be ascertained. This could be most easily accomplished by a Government vessel being sent from British Columbia to the north of the Yukon, having on board a small river steamer of light draught, which could mount the Yukon, and observations could be taken as to the position of the boundary both in the Porcupine river and the Upper Yukon. To run the boundary line throughout its length would, of course, involve much greater expense.

4. The natural access to the further portion of the N.W. Territories is by the mouth of the Mackenzie River which is believed to be accessible by sea from Behring's Straits for 2 or 3 months in the summer. The only parties now in occupation of the country are the Hudson's Bay C^y who it is understood hesitate to incur the expense of the first or experimental expedition for this purpose. A Government Expedition for the purpose of opening the Mackenzie River to steam Traffic would be in the interest of humanity & civilization & lay the foundation of regular trade with those regions. Moreover should the Americans enter the Territories from Alaska, the presence of a Government representative would seem necessary to prevent contraband traffic. A contraband traffic in liquor already exists between the American Whaling ships and the Esquimaux on the Arctic coasts & Liquor has in this way been brought by the Esquimaux on to British Territory though not as yet in large quantities.

5. An Expedition to the Mackenzie would be conducted by a Government vessel being sent from British Columbia, through Behring's Straits, along the Arctic coast to the Eastward as far as Point Barrow. A light draught vessel (steamer) would be carried on board to be put in the water at Point Barrow where it is understood the water is shallow, whence the distance to the mouth of the Mackenzie is only about 500 miles & the coast line is considered to be free from ice for at least the months of August & September.

6. Once in the Mackenzie the steamer will ascend for a distance of 1200 or 1400 miles to the Rapids at Salt River, about 100 miles north of Athabasca Lake, & if another steamer were placed on the river above the Rapids, steam communication would extend from the sea nearly to Portage La Loche or the central water shed of the territory.

⁵ Charles Walker Raymond.

7. At present the further portion of the N.W. Territory is perhaps almost [the] most isolated and ill supplied of any place in the world. Should steam communication be opened with it, as suggested, the country would at once be received as it were into the sisterhood of civilized nations and a district as large as Western Europe be opened for legitimate commerce. The present exports of Furs to the value of probably £30,000 to £40,000 annually are now conveyed in boats by an intricate & difficult route to Red River [...]

8. In case communication were facilitated by steam the trade & resources of the country would doubtless be more developed. [...]

10. In the Mackenzie Territory crime has happily not been frequent, & the fact that no law or government has existed therewith has produced less inconvenience than might be expected, but as it is probable that strangers will in future more frequently enter the country from [British] Columbia and Alaska it seems very undesirable that the state of anarchy should be continued. The inhabitants are all loyal, & the Indians perfectly harmless and tractable so that [a] Government force either of Police or Military would not seem necessary. The presence of some Representative of the Government would, however, seem to be much called for, if not absolutely necessary [...]

Submitted to His Honor the Hon. Alexander Morris P.C. Lieutenant Governor of the North West Territories by me⁶

[W.C. Bompas]
Church of England Missionary in
the Mackenzie & Athabasca District[s]

Fort Garry, January 13th 1874

3.

Letter from Parliamentary Under-Secretary of State for Foreign Affairs to Under-Secretary of State for the Colonies

Lettre du sous-secrétaire d'État parlementaire aux Affaires étrangères au sous-secrétaire d'État aux Colonies

TNA, CO 42/732

Foreign Office
March 28. 1874.

Sir,

I am directed by the Earl of Derby to transmit to you a despatch from the Acting British Consul at Philadelphia enclosing an application for a grant of Land on the Labrador Coast from Mr. Mintzer of the United States Navy Engineer Corps.

In laying these papers before the Earl of Carnarvon I am to request that you will move His Lordship to favour the Earl of Derby with his opinion as to what answer should be returned to this application.

⁶ Minister Laird submitted this memo to the Privy Council on 8 April 1874. However, it was returned without any decision to take action. See notations on letter docket. Le ministre Laird a soumis ce mémoire au Conseil privé le 8 avril 1874. Cependant, il a été renvoyé sans qu'aucune décision ne soit prise sur la suite à donner. Voir les notes sur la fiche au dossier.

The return of the enclosed Papers is also requested.

I am, Sir,
Your most obedient
humble servant
Robert Bourke

The Under Secretary of State [R.G.W. Herbert]
Colonial Office

**Enclosure 1: Despatch from Acting Consul of United Kingdom, Philadelphia, to
Secretary of State for Foreign Affairs**
**Pièce jointe 1 : Dépêche du consul par intérim du Royaume-Uni, à Philadelphie, au
secrétaire d'État aux Affaires étrangères**

British Consulate Philadelphia
February 20th 1874

My Lord,

I have the honour to enclose your Lordship a letter addressed to me by William A. Mintzer, of the Engineer Corps, United States Navy, with reference to a Land Grant on the Labrador Coast.

I have the honour to be,
with the greatest respect,
My Lord,
Your Lordship's most obedient,
humble servant,
George Crump
Acting Consul

The Right Honble Earl Granville K.G.
&c &c &c
London

**Enclosure 2: Letter from William A. Mintzer to Acting Consul of United Kingdom,
Philadelphia**
**Pièce jointe 2 : Lettre de William A. Mintzer au consul par intérim du Royaume-Uni,
à Philadelphie**

Philadelphia, February 10th 1874

Mr. Geo. Crump,
Acting British Consul,
Phil^a

Sir:

I hereby make application to the British government, through you, for a Land grant giving me possession of a tract of land situated on what is known as the Labrador coast, on the shore of Cumberland gulf.

I apply for a tract of land twenty (20) miles square, having north latitude sixty-four degrees, fifty-six minutes (64° 56') and west longitude sixty-six degrees, twenty-one minutes (66° 21') as a geometrical centre.

The space bounded by the limits stated above is not inhabited except by a few wandering esquimaux and does not appear to be claimed by any one. It and the surrounding country is wild and desolate, with no vegetation but moss, and for about eight (8) months of the year is covered with ice and snow, and apparently not available for anything except mining purposes.

It contains a deposit of a useful mineral which, under the protection of a land grant a company or individual might develop with advantage.

In consideration of the above, I respectfully ask that the within application be granted that I may be enabled to investigate and develop the mineral resources of the space herein mentioned.

I have the honor to be,
Very respectfully,
Your obedient Servant,

W^m A. Mintzer,
Corps of Engineers, U.S. Navy.

4.

Letter from Naval Secretary to the Admiralty to Under-Secretary of State for the Colonies

Lettre du secrétaire naval de l'Amirauté au sous-secrétaire d'État aux Colonies
TNA, CO 42/731

Admiralty,
April 21st 1874

Sir,

With reference to your letter[†] of the 13th instant, in regard to the request made by M Mintzer of the United States Navy for a grant of land on the shore of Cumberland Gulf Labrador, I am commanded by my Lords Commissioners of the Admiralty to transmit to you for the Earl of Carnarvon's information a copy of a report, dated 20th instant, from their Lordships Hydrographer containing all the particulars in office on the subject of the locality in question.

I am, Sir,
Your obedient Servant,
Robert Hall

Under Secretary of State for the Colonies [R.G.W. Herbert]

Enclosure: Report by Hydrographer, Royal Navy
Pièce jointe : Rapport de l'hydrographe, Marine royale
Copy/ Copie

HYDROGRAPHER'S REPORT DATED APRIL 20TH 1874.

The wild and broken country just Southward of Cumberland Gulf was first discovered by the English navigator Frobisher: he landed in 1576 on Hall Island in 63° N. and 64° 50' W. In 1577 during a second voyage Frobisher erected a column of stones on a high hill on the same island and named "with ceremony" the place Mount Warwick. In 1578 on a third voyage Frobisher landed in 62° 30' N and 66° 40' W[,] erected a column of stones and "took Christian possession". Queen Elizabeth intended to form a colony here and named

the place "Meta Incognita". In 1585 the English Navigator John Davis landed in 66°.30' N & 62°.0' W under Mount Raleigh in Exeter Is^d. In 1587 Davis sailed up the great inlet known as Cumberland Sound which he had discovered in 1585 and anchored at its head.

It is on the shores of this gulf the applicant wishes the grant of a tract of land twenty miles square with its central part to be in Lat 64°.56' N & 66°.21' W. Our knowledge of the geography & resources of this region is very imperfect: according to Admiralty Charts much of the area above applied for is on the sea, although it is to be presumed from the precision with which the applicant marks out his requirements that he must have some certain local knowledge. Cumberland Gulf is occasionally visited by English & American Whaling & Sealing ships, and it is understood that Summer fishing stations are established, not very far from the locality applied for, by [a] mercantile enterprise from Newfoundland. On 2^d Febry last on the application to their Lordships for similar information by M^r A.W. Hervey who is interested in a fishery not far from the head of Cumberland Gulf I gave the foregoing particulars. The Coast northward of Cumberland Gulf was visited by Captain Ross in HM Ships "Isabella" & "Alexander" in 1818: a party landed on a small island (Agnes Monument) Lat 70°.30' N. Long 60. W and took possession in the usual form.

[Frederick J. Evans]
Hydrographer

Minutes/ Notes

Sir H. Holland 22/4

It is clear that this territory has been formally taken possession of, but the report does not help us any further. As we did not hear again from Mr Harvey he probably applied to the Dominion Gvment. If this territory does not belong to Canada as seems probable might it not be annexed with advantage to obviate possible future inconvenience[?]

W. D[ealtry]

I am not at all clear that Canada would desire such annexation. In reply to the Foreign Office letter⁷ [...] I should be disposed to send them copy of the Admiralty letter & to point out that as this territory does not belong to any Colony the question does not directly affect this Department, but that should Lord Derby think it desirable, Lord Carnarvon would ascertain the views of the Canadian & Newfoundland Governments upon the proposed grant to Mr Mintzer.

H. H[olland] 22/4

I shd be disposed to omit Newfoundland [since?] this place is clearly beyond the limits of that Colony & it seems undesirable in the interests of [federation?] to suggest any addition to the separate territory of Newfoundland adding that it would not appear desirable for Her Majesty's Government to authorise settlement in a place so situated unless the Dominion Government is prepared to assume the responsibility of guarding against any abuses.

R.G.W. H[erbert] Ap 23

It would be desirable to ascertain the views of the Dominion Gov^t I think before the FO give any answer. We must remember that if this Yankee adventurer is informed by the British FO that the place indicated is not a portion of HM dominions he would no doubt think himself entitled to hoist the "Stars & Stripes" which might produce no end of complications. I agree with M^r Herbert that the Newfoundland Gov^t should not be mixed

up in any way with the affair. I would suggest an answer to the FO to the effect that Lord Carnarvon was referring the matter to the Governor General of Canada for his opinion &c &c.

J. L[owther] April 25

Df to Gov Gen accordingly but confidential to be laid before his ministers

28.4 C[arnarvon]

5.

Despatch from Secretary of State for the Colonies to Governor General

Dépêche du secrétaire d'État aux Colonies au gouverneur général

LAC/ BAC, RG 7 G-21, vol. 44, file/ dossier 135

Downing Street
30 April 1874

Secret

My Lord,

I transmit to you a copy of a letter¹ from the Foreign Office with a Despatch from the Acting British Consul at Philadelphia enclosing an application for a grant of land on the Labrador Coast from M^r W.A. Mintzer of the United States Navy, Engineer Corps.

2. I also transmit to you a copy of a report² from the Hydrographer of the Admiralty containing all the particulars in that Department with regard to this territory.

3. I request that you will communicate these papers confidentially to your Ministers for their observations.

4. It seems to me desirable in reference to this and similar questions to be informed whether your Government would desire that the territories adjacent to those of the Dominion on the North American Continent, which have been taken possession of in the name of this Country but not hitherto annexed to any Colony[,] or any of them[,] should now be formally annexed to the Dominion of Canada.

5. Her Majesty's Government of course reserve for future consideration the course that should be taken in any such case, but they are disposed to think that it would not be desirable for them to authorise settlement in any unoccupied British Territory near Canada unless the Dominion Government and Legislature are prepared to assume the responsibility of exercising such surveillance over it as may be necessary to prevent the occurrence of lawless acts or other abuses incidental to such a condition of things.

I have the honor to be

My Lord,

Your Lordship's most obedient
humble Servant

Carnarvon

Governor General The Right Honble The Earl of Dufferin, K.P., K.C.B.

&c &c &c

¹ Doc. 3.

² Doc. 4, enclosure/ pièce jointe.

6.
Memorandum from Secretary of State to Privy Council
Note du secrétaire d'État au Conseil privé
LAC/ BAC, RG 6, vol. 31, file/ dossier 1166

[Ottawa,] 8th October 1874

The undersigned has the honor to submit for the consideration of the Honorable the Privy Council, that application having been made to the Imperial Authorities by M^r William E. Mintzer of the Engineer Corps of the United States Navy for the purchase of a tract of land twenty miles square, on Cumberland Island, North of the Labrador Coast, facing Davis' Straits, and that an application having also been made by M^r A.W. Harvey of S^t Johns Newfoundland for the purpose of erecting temporary buildings on Cumberland Island with a view to carry on Fisheries in that locality[.]

The Right Honorable the Secretary of State for the Colonies in a despatch under date of 30 April last desires to be informed of the views of the Canadian Government as to the desirability of annexing to the Dominion of Canada those territories on the North American Continent lying to the Northward and adjacent to the Dominion, which though taken possession of in the name of the British Empire, have not hitherto been attached to any colony.

The time having arrived when it becomes necessary to exercise Governmental surveillance over these remote portions of the Continent, the undersigned is of opinion that it would be desirable to embrace the remaining parts of the continent, to the Northward, within the Boundaries of the Dominion, and [recommends] that Her Majesty's Government be advised that the Government of Canada is desirous of including within the boundaries of the Dominion the Territories referred to, with the islands adjacent.¹⁰

R.W. Scott

7.
Despatch from Governor General to Secretary of State for the Colonies
Dépêche du gouverneur général au secrétaire d'État aux Colonies
TNA, CO 42/730

Government House, Ottawa
 4th Nov^r 1874.

Secret

My Lord,

With reference to Your Lordship's despatches marked Secret of the 30th of April and 26th of August last I have the honour to enclose a copy of an approved Report¹¹ of a Committee of the Privy Council respecting such British Territories on this Continent as have not hitherto been annexed to any Colony.

¹⁰ Approved on 10 October 1874 by Order-in-Council 1874-1248. Approuvée le 10 octobre 1874 par le décret du Conseil 1874-1248. See/ Voir LAC/ BAC, RG 2, vol. 327.

¹¹ Order-in-Council/ Décret du Conseil 1874-1248.

The Government of Canada is desirous of including within the boundaries of the Dominion the territories referred to with the Islands adjacent.

I have the honour to be
My Lord,
Your Lordship's most
obedient servant,
Dufferin

The Right Hon^{ble} The Earl of Carnarvon
&c. &c. &c.

Minute/ Note

I think a copy of the correspondence with Lord Dufferin should be sent to the Admiralty who should be asked whether the information in their possession enables them to supply Lord Carnarvon with such a description of all the North American territories which have been claimed as British but are not annexed to the Dominion as would place him in a position to bring the question of their incorporation in the Dominion formally before the Government.

R.G.W. H[erbert] Nov 19

8.

Memorandum by Hydrographer, Royal Navy

Note de l'hydrographe, Marine royale

TNA, ADM 1/6509

In these papers it will be seen that the Canadian Government is desirous to include within its boundaries, those Territories of British North America which have not heretofore been annexed to any Colony; and that Lord Carnarvon requests such a description of all the North American territories which have been claimed as British but are not annexed to the Dominions as will enable him to bring the question before [the] Government. This request has arisen through applications to the Colonial Office for grants of land in Cumberland Island on the West shore of Davis Strait in about the 66° parallel of latitude.

I assume that the request of Lord Carnarvon does not apply to those inhospitable regions chiefly visited by British Arctic Explorers, and forming the northern extremity of the continent of America; but that it relates to the seaboard comprised between the Straits of Belle Isle, and those districts in a high Northern latitude reputed to be opening up by Commercial Enterprise.

Of this long stretch of Coast line between the 52° and 70° parallels of latitude including the vast seaboard of Hudson's Strait and Bay with Frobisher Bay and Cumberland Gulf, we have very imperfect Hydrographic information, with the exception of the Coast between Belle Isle Strait and the Hudson's Bay Settlement of Ailik in 55° N. The Coast line it is true is charted, but its accuracy for inshore navigation may be gathered from the following remarks by Commander Chimmo who was engaged in HMS Gannet (1867) in making a running survey of the N.E. Coast of Labrador. "To give an idea of the number of islands on this coast, many entirely unknown, and without a place on the charts, when midway between Ailik and Hopedale (a Moravian Missionary settlement in 55° N.) I counted from the bridge sixty five islands, the pilot from the fore-top mast head

¹ W.R. Malcolm to Secretary to the Admiralty, 24 November 1874, and enclosures: cf. *procès-verbaux*.

counted ninety-five, and between 60 and 70 large icebergs were also counted aground in 20, 30 and 40 fathoms [of] water".

This description will probably in some degree apply to the whole of the broken line of coast extending to Hudson Strait.

Passing by the shores of Hudson and Frobisher Bays, which from a Map appended to the Report of a Select Committee of the House of Commons on the Hudson's Bay Company (August 1857),¹³ I observe formed a part of the Hudson's Bay Territory, the district known as Cumberland Island is arrived at, on which district I have previously reported as far as related to its original discoveries. From subsequent enquiry that I have instituted, it appears that Cumberland Sound or Gulf is frequented by Whaling and Sealing vessels from Northern Scottish ports, and also I believe by American vessels:— that they winter there, and are assisted in fishing operations by Natives (Esquimaux). The vessels being frozen in from the end of October to the end of May. Sealing being carried on by sledge parties during the Winter.

This particular district would appear to be of an exceptional character, so far as relates to Commercial enterprise, for I cannot trace that any industrial pursuits are carried on, on the Atlantic seaboard between the northern of the Moravian Mission settlements on the Labrador Coast i.e. between about 56° N and Cumberland Gulf. The Government of Newfoundland is no doubt in possession of complete information as to the nature and extent of the industries carried on, on the Labrador NE. Coast; and possibly is further acquainted with the (Query, Mineral) and Fishing resources of Cumberland Island, subjects at present very little known in this Country.

It may be remarked that the whole line of Atlantic Seaboard I have reviewed is[,] from the severity of the climate and the effects of the Arctic Current charged with Icebergs & floating ice[,] only open to navigation for about three months in the year. The foregoing is a summary of all the Hydrographic information we possess.

Fred^k Jno Evans
Hydrographer

[London,] December 2nd 1874

P.S. In the House of Commons Report of August 1857, to which I have referred, there is much scattered Geographical information on British North American territories.

9.
Letter from Surveyor General to Bethune and Hoyles
Lettre de l'arpenteur général à Bethune et Hoyles
LAC/ BAC, RG 6, vol. 31, file/ dossier 1166
COPY/ Copie

Ottawa, 3rd December, 1874.

Gentlemen,

I am directed by the Minister of the Interior in reference to your letter¹⁴ of the 26th ult^a, (transferred to this Department by the Secretary of State) forwarding the Petition of William Vallance Whiteway, Esquire, for a grant of land on the shores of Cumberland

¹³ United Kingdom, House of Commons Papers, Reports of Committees, 1857, 2nd session, vol. 15, 244, 260, *Report from the Select Committee on the Hudson's Bay Company*.

Map 1 is based on this and other maps./ La carte 1 se fonde sur ceci et d'autres cartes.

¹⁴ Not found./ Non retrouvée.

Gulf, to inform you that, until the Dominion Government is placed in a position to exercise jurisdiction in the granting of land over the territory in question, negotiations for which with the Imperial Government are now pending, this Department will have no authority to deal with M^r Whiteway's application.

In the meantime I beg to remark:

1. The Petition is unsigned.

2. The plan is in fault, inasmuch as it shews the situation of the mine to be southerly and westerly of the house on Black Lead Island referred to in the description, whereas in the description itself it is stated to be southeasterly therefrom.

3. The description is erroneous, in that it describes the westerly limit of the tract applied for, as bounded by West Longitude 66° 21', and the East limit of the said tract to be West Longitude 66° 23' 30" thus making the Easterly limit, in effect, west of the westerly one.

Should it be intended to urge M^r Whiteway's application further, it will be necessary to have the omission and discrepancies in [the] plan and description attended to.

With this view the papers are herewith enclosed to you.

I have the honor to be,
Gentlemen,
Your obedient Servant,
[J.S. Dennis],
Surveyor General

Messrs Bethune & Hoyles, Barristers, &c.,
Toronto.

10.

Letter from Naval Secretary to the Admiralty to Under-Secretary of State for the Colonies

Lettre du secrétaire naval de l'Amirauté au sous-secrétaire d'État aux Colonies
TNA, CO 42/731

Admiralty,
4th [Dec]ember 1874

Sir,

With reference to your letter[†] of the 24th ultimo, requesting that the Secretary of State for the Colonies may be furnished with a description of all the North American Territories which have been claimed as British but are not annexed to the Dominion of Canada with a view to enable His Lordships [*sic*] to bring before Her Majesty's Government a proposal of the Canadian Government to annex all such territories for the future; I am commanded by my Lords Commissioners of the Admiralty to transmit, for the Earl of Carnarvon's information, a copy of a report dated 2nd instant from their Lordships Hydrographer, which contains all the information on the subject in the possession of this Department.

I am, Sir,
your obedient Servant,
Robert Hall

The Under Secretary of State for the Colonies [R.G.W. Herbert].

¹⁵ No further application seems to have been made / Aucune autre demande ne semble avoir été faite

Minutes/ Notes

M^r Malcolm

The Hydrographer of the Admiralty does not give us much information as to the British territories in North America not hitherto annexed to any Colony, and I apprehend that he is in error in supposing that it is only those districts which are adjacent to Canada which it is now proposed shld be annexed to the Dominion.

So far as I have been able to ascertain the boundaries of Canada towards the Northward are, at the present time, entirely undefined, the whole of the territories of the Hudson's Bay Co having been annexed to the Dominion in 1870, and the limits of those territories appear to have been quite uncertain. The Charter of Charles II dated May 2, 1670 incorporating the Hudson's Bay Co granted unto the Company the sole trade & commerce of all those seas, straits, bays, rivers, lakes, creeks and sounds in whatsoever latitude they shld be that lay within the entrance of the Straits commonly called Hudson's Straits, together with all the lands and territories upon the countries, coasts, and confines of the seas, bays, lakes, rivers, creeks, and sounds aforesaid, that were not already actually possessed by, or granted to, any of His Majesty's subjects, or possessed by the subjects of any other Christian Prince or State, and [ordered] that the said land shld be from thenceforth reckoned and reputed as one of HM's Plantations or Colonies in America called Rupert's Land. The Charter also constituted the Gov^t & Company and their successors the absolute Lords and proprietors of the same territory, limits and places aforesaid.

The Charter also further granted to the Company that they shld for ever hereafter have, use and enjoy, not only the whole, entire, and only trade and traffic, and the whole, entire and only liberty, use and privilege of trading & trafficking to & from the territory, limits and places aforesaid, but also the whole & entire trade & traffic to & from all havens, bays, creeks, rivers, lakes & seas, into which they shall find entrance or passage by water or land out of the territories, limits or places aforesaid; and to & with all the natives and people inhabiting, or which shall inhabit within the territories, limits or places aforesaid; & to & with all other nations inhabiting any [of] the coasts adjacent to the said territories, limits and places which are not already possessed as aforesaid or whereof the sole liberty or privilege of trade & traffic is not granted to any other of HM's subjects.

In 1750 the Hudson's Bay Co having been called upon to give an account of the limits & boundaries of the territory granted to them replied that the limits or boundaries of the lands & countries lying round the bay (Hudson's) comprised as they conceived within their grant were as follows[:] "All the land lying on the east side or coast of the said bay eastward to the Atlantic Ocean & Davis' Straits; and the line hereafter mentioned as the East & South Eastward boundaries of the said Company's territories, and towards the North, all the lands that lie on the North end or on the North side or Coast of the said bay, & extending from the bay Northwards to the utmost limits of the lands there towards the North Pole; but where or how those lands terminate, is at present unknown. And towards the West all the lands that lie on the West side or coast of the said Bay, and extending from the bay westward to the utmost limits of those lands, but where or how those lands terminate to the westward is also unknown, though probably it will be found they terminate in the Great South Sea". And again in 1837 the Governor of the Hudson's Bay Co stated before a Committee of the House of Commons that the power of the Company extends "all the way from the boundaries of Upper & Lower Canada away to the North Pole, as far as the land goes, and from the Labrador Coast all the way to the Pacific Ocean," though he

afterwards explained that the Company claimed in fee simple all the lands the waters from which ran into Hudson's Bay.¹⁶

In 1849 the Hudson's Bay Co were again called upon to furnish a statement of the territories &c claimed by them, and their reply is printed in H[ouse of] C[ommons] Paper 542 of July 12, 1850¹⁷ together with a map sent in by them on which the territories claimed under their charter are coloured green. See also map printed in appendices to House of Commons Report 1857.¹⁸

These territories wld appear to agree more nearly with the territories of which the Company claimed the fee simple in 1837, than with their former claims. The validity of the Charter of Charles 2nd and the rights claimed under it by the Hudson's Bay Co appear to have been repeatedly called in question, and especially by the Gov of Canada, but no decision appears at any time to have been given against them, the Law Officers indeed inclining to the opinion that the rights of the Company were well founded.

By the act N° 105 of 1868¹⁹ power was given to H.M. to accept the surrender of all or any of the lands, territories, rights, privileges, liberties, franchises, powers and authorities whatsoever granted or purported to be granted by the Letters Patent of Charles 2nd to the Hudson's Bay Co within Rupert's Land, and for the admission of Rupert's Land into the Dominion of Canada; and by the same act Rupert's Land is defined to include the whole of the lands & territories held or claimed to be held by the Hudson's Bay Co.

The Order in Council issued under the above Act, and under the British North America Act 1867 (N° 3 of 1867, see 146) admitted the North Western Territory as well as Rupert's Land into the Dominion, but without giving any definition as to boundaries. It wld therefore seem impossible to say what British Territories on the North American Continent are not already annexed to Canada.

¹⁶ United Kingdom, House of Commons Papers, Reports of Committees, 1857, 2nd session, vol. 15, 244, 260, *Report from the Select Committee on the Hudson's Bay Company*, pp. 376-377.

¹⁷ United Kingdom, House of Commons Papers, Accounts and Papers, 1850, vol. 38, no. 542, *Hudson's Bay Company. Papers relating to the Legality of the Powers in respect to Territory, Trade, Taxation and Government claimed or exercised by the Hudson's Bay Company*.

¹⁸ Map 1 is based on the 1850 and 1857 maps, plus one other map from 1861. La carte 1 se fonde sur des cartes de 1850 et de 1857, en plus d'une autre carte de 1861.

¹⁹ Marginal notes: Notes marginales :

And, if I remember rightly, that it w^d be with a precedent that the Crown's dispute [such] a charter so granted. C[arnarvon]

"I did not now with justice raise the question of the general validity of the Charter" (L.O. report of July [1857] printed at pp. 403[-404] of appendix to H.C. Report 1857). E. B[lake]

²⁰ Rupert's Land Act, 31-32 Vict. c. 105 (United Kingdom: Royaume-Uni).

In sec. 2 of this act, Rupert's Land was defined as comprising "the whole of the Lands and Territories held or claimed to be held" by the HBC. There was no attempt to distinguish between the various inconsistent statements the Company had made over the years. However, the 1850 and 1857 maps seem to have been generally regarded as the definitive versions of the Company's territorial claim.

A l'article 2 de cette loi, la Terre de Rupert était définie comme étant composée de "l'ensemble des terres et territoires détenus ou revendiqués comme détenus par la Compagnie de la Baie d'Hudson. On ne tentait pas d'établir une distinction entre les diverses déclarations contradictoires que la Compagnie avait faites au cours des années. Cependant, les cartes de 1850 et de 1857 semblaient avoir été généralement considérées comme les versions définitives de la revendication territoriale de la Compagnie.

²¹ Blake was evidently not aware that the 1821 Fur Trade Act, 1-2 Geo. IV c. 66 (United Kingdom) had defined the Indian Territory or North-Western Territory simply as everything in North America that was not part of Rupert's Land, the British provinces, or the United States. The Indian Territories Act of 1859, 22-23 Vict. c. 26 (United Kingdom), followed the same definition. See Introduction. Blake

At the present time the boundaries of Canada appear to be settled only on the South and West.

On the South the boundaries being the territories of the United States, and on the West the Pacific Ocean and the frontier of Alaska (late Russian America)[.] Vancouver Island & other Islands being included in B. Columbia under the act N^o 67 of 1866, sees 7 & 8.²²

The boundaries between the British Territories and Alaska are settled by the 3rd and 4th articles of the Convention between Great Britain & Russia of February 28 16, 1825,²³ which articles were held by the Queen's Advocate in 1867, when Alaska was ceded to the United States, to be to a certain extent binding on the United States, and so far as is known they have never been questioned by the United States. The articles are as follows[.]

"III. The line of demarcation between the possessions of the High Contracting Parties, upon the Coast of the Continent and the islands of America to the North West shall be drawn in the manner following:—

Commencing from the southernmost point of the island called Prince of Wales Island, which point lies in the parallel of 54 degrees 40 minutes, north latitude, and between the 131st and the 133rd degrees of West Longitude (meridian of Greenwich), the said line shall ascend to the North along the channel called Portland Channel, as far as the point of the continent where it strikes the 56th degree of North Latitude; from this last mentioned point, the line of demarcation shall follow the summit of the mountains situated parallel to the coast as far as the point of intersection of the 141st degree of West Longitude (of the same meridian) and finally from the said Point of intersection, the said meridian line of the 141st degree, in its prolongation as far as the Frozen Ocean, shall form the limit between the Russian & British possessions on the continent of America to the North West.

IV. With reference to the line of demarcation laid down in the preceding article it is understood:

1st That the Island called Prince of Wales Island shall belong wholly to Russia.

2nd That whenever the summit of the mountains which extend in a direction parallel to the coast, from the 56th degree of North latitude to the point of intersection of the 141st degree of west longitude, shall prove to be at the distance of more than 10 marine leagues from the ocean, the limit between the British possessions and the line of coast which is to belong to Russia as abovementioned, shall be formed by a line parallel to the windings of the Coast, and which shall never exceed the distance of 10 marine leagues therefrom."

The United States have agreed as to the expediency of this boundary line being surveyed and finally settled by an International Comⁿ, at least as far North as Mount St. Elias, but on the ground of expense have postponed any action in the matter until the North West Boundary Comⁿ has finished its work.

To the East the British Territories might perhaps be defined to be bounded by the Atlantic Ocean, Davis Straits, Baffin Bay, Smith Sound and Kennedy Channel. But even

n'était manifestement pas au courant que la Fur Trade Act de 1821, 1-2 Geo. IV c. 66 (Royaume-Uni) avait défini le Territoire indien ou le Territoire du Nord-Ouest simplement comme tout ce qui en Amérique du Nord ne faisait pas partie de la Terre de Rupert, des provinces britanniques ou des États-Unis. La Indian Territories Act de 1859, 22-23 Vict. c. 26 (Royaume-Uni), s'en tenait à la même définition. Voir l'introduction.

²² British Columbia Act, 29-30 Vict. c. 67 (United Kingdom/ Royaume-Uni).

²³ "Convention between Great Britain and Russia. Signed at St. Petersburg, February 28 16, 1825," *British and Foreign State Papers*, vol. 12 (London: James Ridgway and Sons, 1846), pp. 38-43.

this definition wd exclude the extreme North West of Greenland, which is marked in some maps as British territory, probably from having been discovered by British subjects.

To the North, to use the words of the Hudson's Bay Co in 1750, the boundaries might perhaps be, "the utmost limits of the lands towards the North Pole." If the annexation of these unknown territories to Canada is decided upon I shld think it wd be advisable to consult the Canadian Gov^t as to the definition of the boundaries of the Dominion that they wd wish to be inserted in the Act of Parliament. The applications of M^r Mintzer and of M^r Harvey for grants of land &c in these regions will have hereafter to be disposed of.

E. B[lake] Dec 19, 1874

W. D[ealtry] 19/12

It is evident that we can get no accurate definition of a boundary. It w^d therefore be best, as M^r Blake suggests, to point out that the N W Territories & the Hudson's Bay Territories having been annexed to Canada some uncertainty exists as to the extent of the Dominion towards the N & W and ask the Dominion in what form they think it w^d be best that the annexation sh^d be made, and whether an Act annexing all B^rsh territory not hitherto annexed within certain limits (to be specified) w^d be sufficiently definite.

W.R. M[alcolm] 30.12.74

I agree – and as Mr Blake's minute is a very good & careful one, I would send a copy of it to Lord Dufferin.

R.G.W. H[erbert] Dec 30

I agree: but before doing this I s^d wish to have two small size sheet maps roughly coloured in – in pursuance of M^r Blake's min: – showing Ist that of w^d there can be no doubt 2nd that w^d is matter of inference & possibly of discussion. I apprehend that the definition given by the H.B. Co of their land in fee – viz all that territory w^d drains into the Hudson's Bay[,] may be accepted?

30 Dec. C[arnarvon]

Since writing this I have seen the map in the Parl^{mt} report w^d sufficiently gives what I needed.

Proceed therefore as proposed but let me see d[r]a^{ft}.

1 Jany. C[arnarvon]

11.

Despatch from Secretary of State for the Colonies to Governor General

Dépêche du secrétaire d'État aux Colonies au gouverneur général

LAC/BAC, RG 2, vol. 362

*Copy/ Copie*²⁴

Downing Street,

6th January 1875.

Secret.

My Lord,

I have received and had under my consideration your Despatch, Secret, of the 4th of November enclosing a Minute of the Canadian Privy Council stating that the Government of Canada is desirous of including within the Boundaries of the Dominion all those

²⁴ Copy attached to Order-in-Council 1878-1162D = Copie jointe au décret du Conseil 1878-1162D

Territories on the North American Continent with the Islands adjacent thereto which though taken possession of in the name of the British Empire have not hitherto been annexed to any Colony.

2. I have been in communication with the Lords Commissioners of the Admiralty on the subject and I transmit to you a copy of a Report²⁵ by the Admiralty Hydrographer containing all the information in the possession of that Department with regard to those Territories which are adjacent to Canada.

3. I also enclose a copy of a Minute²⁶ which has been drawn up in this Department respecting the Boundaries of the Dominion at the present time, and which without pretending to exhaust the subject is believed to be substantially correct.

4. From this Minute it appears that the Boundaries of the Dominion towards the North, North East and North West are at present entirely undefined and that it is impossible to say what British Territories on the North American Continent are not already annexed to Canada under the Order in Council of the 23rd of June 1870, which incorporated the whole of the Territories of the Hudson's Bay Company, as well as the North Western Territory in the Dominion.

5. In these circumstances I should therefore be glad before taking any further steps in the matter to be furnished with the opinion of your Ministers on the subject and with regard to the form in which the proposed annexation should be made.

6. I should also wish to be informed whether they would consider an Act of Parliament annexing to the Dominion all British Territories on the North American Continent with the Islands adjacent thereto, which have not hitherto been annexed to any Colony, and within certain limits which I should wish your Ministers to specify, would be sufficiently definite for the purpose.²⁷

I have &c,

[Carnarvon]

Governor General The Right Hon^{ble} The Earl of Dufferin, K.P., K.C.B.

&c &c &c

12.

Memorandum from Surveyor General to Secretary of State

Note de l'arpenteur général au secrétaire d'État

LAC/ BAC, RG 6, vol. 31, file/ dossier 1166

Ottawa, 26th April, 1875.

The description of the Eastern and Northern boundaries of the Dominion of Canada, as proposed to be defined by an Imperial Act, it is respectfully suggested, should be as follows, that is to say,

²⁵ Doc. 8.

²⁶ See previous document./ Voir le document précédent.

²⁷ When no reply to this despatch was received, the Colonial Office sent a reminder. Voyant que sa dépêche restait sans réponse, le ministère des Colonies envoya un rappel. See: Voir Carnarvon to Dufferin, 27 March 1875, LAC/ BAC, RG 7 G-21, vol. 44, file/ dossier 135.

"Bounded on the East by the Atlantic Ocean, and (passing towards the North) by Davis' Straits, Baffin's Bay, Smith's Straits, and Kennedy Channel, including such portions of the North West coast of Greenland as may belong to Great Britain by right of discovery, or otherwise.

On the North, by the utmost Northerly limits of the Continent of America, including the islands appertaining thereto."

These boundaries are generally set forth upon the tracing,* herewith.

Respectfully Submitted,

J.S. Dennis
Surveyor General.

The Honourable, The Secretary of State [R.W. Scott],
Ottawa.

13.

Memorandum from President of Privy Council to Governor General
Note du président du Conseil privé au gouverneur général
LAC/BAC, RG 2, vol. 333

[Ottawa]

The Committee of Council has had under consideration a despatch marked "Secret" from the Right Honorable the Earl of Carnarvon to Your Excellency the Governor General under date 6th January 1875 on the subject of the proposed extension of the boundaries of Canada to the Northward, and enclosing a copy of the Admiralty Hydrographer[']s report] containing "all the information in the possession of that Department with regard to these Territories" and enclosing also a copy of a Minute prepared in the Department of the Secretary of State for the Colonies in which it is correctly ~~conceded~~ stated that the Northern boundary of Canada has never been defined, and ~~admitting~~ that it was impossible to say what British Territory on the North American continent had not already been annexed to Canada; after reciting the acknowledged boundar[ies] of the Dominion on the South and West, the Minute suggests a description of the boundaries on the North East, North and North West, which in the opinion of the Committee is substantially what they would recommend.

To avoid all doubt it would be desirable that an Act of the Imperial Parliament should be passed defining the Boundaries East and North as follows[:]

"Bounded on the East by the Atlantic Ocean, and passing towards the North by Davis Straits, Baffin's Bay[,] Smiths Straits and Kennedy Channel, including such portions of the North West Coast of Greenland as may belong to Great Britain by right of discovery or otherwise.

On the North by the utmost Northerly limits of the continent of America including the islands appertaining thereto."

As however the acquisition of this additional territory by the Dominion of Canada ~~may~~ will entail a charge upon the revenue of the country, it is ~~desirable~~ essential that the sanction of the Canadian Parliament should be had before the passing of any Imperial Act adding the new territory to the Dominion, and the Committee recommend that resolutions be submitted to Parliament at its next sitting approving of the proposed transfer, and the

²⁸ See map 2./ Voir carte 2.

Committee advise that the Imperial Government be requested to withhold the necessary legislation until after the next Session of the Canadian Parliament.

L.S. Huntington

Approved²⁹

30/4/75

Dufferin

14.
Despatch from Governor General to Secretary of State for the Colonies
Dépêche du gouverneur général au secrétaire d'État aux Colonies
TNA, CO 42/736

Government House, Ottawa
 1st May 1875

Secret

My Lord,

With reference to Your Lordship's Despatch of the 6th January 1875 marked "secret" I have the honour to forward herewith a copy of an approved order³⁰ of the Privy Council which contains the views of my Government on the subject of the proposed extension of the Boundaries of Canada to the Northward.

I have the honour to be
 My Lord,
 Your Lordship's most
 obedient humble servant,
 Dufferin

The Right Hon^{ble} The Earl of Carnarvon
 &c &c &c

15.
Letter from William A. Mintzer to Surveyor General
Lettre de William A. Mintzer à l'arpenteur général
LAC/BAC, RG 6, vol. 31, file/ dossier 1166

Navy Yard, Norfolk, Va,
 April 3d, 1876.

Sir:

I will deem it a courtesy, and will thank you kindly to give me information upon the following:—

Have there been, within the past two years, any petitions presented to you for "Rights of search" for minerals on the shores of Cumberland Gulf at about North Latitude 65°? and have any of them been granted by the Dominion Government? if so, Can you give me their location? What course should be pursued to obtain a land grant in that locality?

Has the Dominion government jurisdiction over the above mentioned territory?

²⁹ Order-in-Council/ Décret du Conseil 1875-46D.

³⁰ Order-in-Council/ Décret du Conseil 1875-46D.

By giving me the information sought for, you will render me an important service for which I will feel very grateful.

Being unfamiliar with your custom, I beg you will excuse informality and misappropriation of titles – if any—³¹

I am, sir,
very respectfully,
Your Obedt Ser^{vt}

Wth A. Mintzer,
Passed Asst. Engineer, U.S. Navy.

To the Hon. Surveyor-General of the Dominion Government [J.S. Dennis]
Ottawa, Canada.

16.

Letter from Minister of Justice to Secretary of State for the Colonies

Lettre du ministre de la Justice au secrétaire d'État aux Colonies

TNA, CO 42/747

[London,] 15 Aug^r '76

My Lord

The Secretary of State of Canada [R.W. Scott] has sent me an extract³² (herewith enclosed) from a United States newspaper announcing the fitting out of an expedition for the purpose of mining and exploration in Cumberland Inlet. It seems that the expedition is to be commanded by Lieut Minstzer, U.S. Naval Engineer, and is under the auspices of the U.S. Government.

No doubt the territory referred to is the same which was about 1874 the subject of an application by Minstzer to Her Majesty's Government for its purchase, whence arose the negotiation with the Canadian Government for the incorporation of the Northern Territories with Canada.

My colleague suggests that I should bring the extract under your Lordships notice, assuming that no authority has been given by Her Majesty's Government for the proposed expedition.

Your obedient servant

Edward Blake

The Right Hon. The Earl of Carnarvon

³¹ Mintzer's letter was answered on 11 April. The file copy of the answer was not found, but presumably it was similar to the one sent to Bethune and Hoyles. See doc. 9.

On a répondu à la lettre de Mintzer le 11 avril. Une copie de la réponse n'a pas été retrouvée au dossier mais on peut supposer qu'elle était semblable à celle envoyée à Bethune et Hoyles. Voir doc. 9.

³² "Another Arctic Expedition: A Search for Graphite and Other Rich Minerals," *Daily British Colonist* (Victoria, BC) (C.B.), 15 July 1876, p. 3, reprinted from titre de "Another Arctic Expedition: The Schooner Era to Sail for the Polar Seas Next Monday – A Search for Graphite and Other Rich Minerals," *New York Times*, 31 May 1876, p. 1.

17.

Draft Letter from Assistant Under-Secretary of State for the Colonies to Minister of Justice

Projet de lettre du sous-secrétaire d'État adjoint aux Colonies au ministre de la Justice

TNA, CO 42/747

D[owning] S[treet]
22nd Aug^y/76

Sir,

I am directed by the Earl of Carnarvon to acknowledge the receipt of your letter of the 15th Inst enclosing an extract from a United States newspaper announcing the fitting out of an expedition for the purpose of mining and exploration in Cumberland Inlet.

Before considering this matter Lord Carnarvon desires me to refer you to a Minute³³ of the Privy Council of Canada dated the 30th of April/ 75 (of which a copy is enclosed) and to request that you will inform him whether any steps have been taken or are now proposed to be taken in Canada in the direction indicated in this minute as a preliminary to Imperial Legislation defining the northern & Eastern Boundary of the Dominion.

I am

[R.H. Meade]

The Honble Edward Blake

18.

Letter from Minister of Justice to Assistant Under-Secretary of State for the Colonies
Lettre du ministre de la Justice au sous-secrétaire d'État adjoint aux Colonies

TNA, CO 42/747

Birmingham, Aug^t 23 1876

Sir

I have the honor to acknowledge the receipt of your letter of 22nd inst referring to mine of 15th ult on the subject of Cumberland Inlet.

I am not aware that anything has been done under the minute of which you enclose a copy; and I am not able to speak authoritatively as to the intentions of the Government of Canada on the subject. I will on my return submit to the Government the correspondence which has taken place with the view that their intentions may be communicated to Lord Carnarvon as he requests.

I am Sir

Your obt servt

Edward Blake

The Hon R.H. Meade
Col Office

³³ See/ Voir doc. 13.

Minutes/ Notes

M^r Malcolm:

Cumberland inlet is not believed to be within the limits of Canada but it is proposed to include within the boundaries of [the] Dominion all these northern territories.

This being the case I think no action need be taken by the Imperial Gov^t in regard to the United States expedition [...] as the interest of the Imperial Gov^t is secondary to that of Canada in the matter. I should be inclined to send this correspondence with M^r Blake to the Gov^t Genl and to say that in view of the probable annexation within a short time of all these northern territories to Canada the Imp^t Gov^t do not propose to take any action in reference to this U.S. expedition unless expressly asked to do so by the Canadian Gov^t.

E.B. P[ennell] 25/8/76

It seems to have been determined nearly 2 years ago to annex these territories to Canada [...]. If it is to be done it w^d be advisable that it should be done soon before American Expeditions go there.

The Canadian Minute of Council on 13281/74³⁴ seems conclusive as to the view of the Canadian Gov^t that the territories to the North sh^d be annexed to Canada though their minute on 5685/75³⁵ is hesitating.

We seem to have asked the Admiralty for a definition of the territories to be so annexed [...] but their answer³⁶ is not sufficient to enable us to give a definition.

We have therefore to get the definite assent of Canada & a definition of the territory to be annexed.

As M^r Blake will push the matter forward we may for the present proceed as suggested by M^r Pennell.

W.R. M[alcolm] 28.8.76

Yes Draft at once.³⁷

R.G.W. H[erbert] Sep [7?]

³⁴ See/ Voir doc. 6.

³⁵ See/ Voir doc. 13.

³⁶ Doc. 8.

³⁷ Copies of the correspondence with Blake were forwarded to the Governor General's Office with the remark that no action would be taken regarding Mintzer's expedition unless requested by Canada.

Des copies de la correspondance avec Blake ont été envoyées au Cabinet du gouvernement général avec la remarque qu'aucune mesure ne serait prise concernant l'expédition de Mintzer à moins que le Canada en fasse la demande.

See: Voir Carnarvon to Administrator, 13 September 1876, LAC-BAC, RG-76, vol. 44, file dossier 135.

19.
Despatch from Secretary of State for the Colonies to Governor General
Dépêche du secrétaire d'État aux Colonies au gouverneur général
LAC/ BAC, RG 7 G-21, vol. 44, file/ dossier 135

Downing Street
 1st November 1876.

N° 324.

My Lord,

With reference to my Despatch† N° 255 of the 13th of September, I enclose for the consideration of your Government a copy of a paragraph³⁸ which appeared in the "Times" newspaper of the 27th of October, extracted from the New York Times, reporting the return of the Expedition fitted out in the United States under the command of Lieutenant Mintzer to explore Cumberland Inlet, and the results obtained by the Expedition.

I have the honor to be
 My Lord,
 Your Lordship's most obedient
 humble Servant
 Carnarvon

Governor General The Right Hon^{ble} The Earl of Dufferin K.P., G.C.M.G., K.C.B.
 &c &c &c

20.
Despatch from Secretary of State for the Colonies to Governor General
Dépêche du secrétaire d'État aux Colonies au gouverneur général
LAC/ BAC, RG 7 G-21, vol. 44, file/ dossier 135

Downing Street
 23rd October 1877

Secret

My Lord,

With reference to my Despatch,† N° 297 of this days date, I have the honor to request that you will recall the attention of your Ministers to the correspondence [...] respecting the inclusion within the boundaries of the Dominion of all those territories on the North American Continent with the Islands adjacent thereto which though taken possession of in the name of the British Empire have not hitherto been annexed to any Colony.

From reports which have appeared in the Newspapers I have observed that the attention of citizens of the United States has from time to time been drawn to these territories and that private expeditions have been sent out to explore certain portions of them, and I need hardly point out to you that should it be the wish of the Canadian people that they should be included in the Dominion[,] great difficulty in effecting this may easily arise unless steps are speedily taken to place the title of Canada to these territories upon a clear and unmistakeable footing.

³⁸ "Esquimaux Mica," *The Times* (London/ Londres), 27 October 1876, p. 6.

I have therefore to request that you will move your Ministers to again take into their consideration the question of the inclusion of these territories within the boundaries of the Dominion, and that you will state to them that I shall be glad to be informed, with as little further delay as may be possible, of the steps which they propose to take in the matter.

I have the honor to be
My Lord,
Your Lordships most obedient
humble Servant

Carnarvon

Governor General The Right Honble The Earl of Dufferin, K.P., G.C.M.G., K.C.B.
&c &c &c

21.

Letter from Governor General to Prime Minister
Lettre du gouverneur général au premier ministre
LAC/BAC, MG 26 B, reel/ bobine M-199

Ottawa, Nov. 5th 1877

Private

My dear Mackenzie

There is a Despatch, to which Lord Carnarvon is anxious to have the immediate attention of my Government directed, sent to Council this morning.

It relates to the annexation by Canada of the Arctic regions to the north of us.

Yours sincerely
Dufferin

22.

Memorandum from President of Privy Council to Governor General
Note du président du Conseil privé au gouverneur général
LAC/BAC, RG 2, vol. 362

[Ottawa]

The Committee of Council have had under consideration a Despatch from the Right Honorable the Earl of Carnarvon to His Excellency the Governor General dated October 23rd recalling the attention of the Government of Canada to the correspondence respecting the "inclusion within the boundaries of the Dominion of all those Territories on the North American Continent with the Islands adjacent thereto which though taken possession of in the name of the British Empire have not hitherto been annexed to any Colony," representing that private Expeditions are being sent out from the United States to explore certain portions of those Territories and "that should it be the wish of the Canadian people that they should be included in the Dominion, great difficulty in effecting this may easily arise, unless steps are speedily taken to place the title of Canada to those Territories upon a clear and unmistakable footing."

That on the 30th April 1875, a Report of a Committee of the Privy Council was approved by Your Excellency wherein the following conclusion was expressed[:] "the Committee recommend that resolutions be submitted to Parliament at its next sitting approving of the proposed transfer, and the Committee advise that the Imperial Government be requested to withhold the necessary legislation until after the next Session of the Canadian Parliament."

The subject was, however, subsequently allowed to remain in abeyance as there did not seem, at that time any pressing necessity for taking action in the premises. As the reasons for coming to a definite conclusion now appear urgent the Committee recommend that the subject be brought up at the next Meeting of the Dominion Parliament and that resolutions be submitted authorizing the acceptance of those Territories by Canada.³⁹ and that a copy of this Minute when approved be forwarded to the Right Honorable the Secretary of State for the Colonies.

Edward Blake

Nov^r 29.77
Approved⁴⁰
Dufferin

23.
Despatch from Governor General to Secretary of State for the Colonies
Dépêche du gouverneur général au secrétaire d'État aux Colonies
TNA, CO 42/749

Government House, Ottawa
December 1st 1877.

Secret.

My Lord,

With reference to Your Lordship's Despatch Secret of the 23^d ultimo I have the honour to inform Your Lordship that I duly called the attention of my Ministers to the subject of the inclusion within the boundaries of the Dominion of Canada of certain territories with adjacent Islands on the North American Continent which have not hitherto been annexed to any Colony; and I transmit herewith a copy of a Minute⁴¹ of the Privy Council of Canada

³⁹ The resolutions were submitted to both Houses of Parliament on 3 May 1878 and were supported by the Leader of the Opposition, Sir John A. Macdonald. See Canada, *House of Commons Debates*, 3rd Parliament, 5th session, vol. 5, pp. 2386-2391, and *Senate Debates*, 3rd Parliament, 5th session, p. 903. The correspondence with the Colonial Office was made available to MPs and Senators but was not tabled in the usual way; see a memo by Lord Dufferin's secretary, E.G.P. Littleton, 2 May [1878], LAC, RG 7 G-21, vol. 44, file 135, and Macdonald's comments in the House of Commons.

Les résolutions ont été soumises aux deux chambres du Parlement le 3 mai 1878 et ont été appuyées par le chef de l'opposition, sir John A. Macdonald. Voir Canada, *Chambre des communes, Débats*, 3^e législature, 5^e session, vol. 5, p. 2413-2418, et *Senate Debates*, 3^e législature, 5^e session, p. 903. La correspondance avec le ministère des Colonies a été mise à la disposition des députés et des sénateurs, mais n'a pas été déposée de la façon habituelle; voir la note du secrétaire de lord Dufferin, E.G.P. Littleton, 2 May [1878], BAC, RG 7 G-21, vol. 44, dossier 135, et les commentaires de Macdonald à la Chambre des communes.

⁴⁰ Order-in-Council/ Décret du Conseil 1877-922D.

⁴¹ Order-in-Council/ Décret du Conseil 1877-922D.

recommending that resolutions be submitted to Parliament in the forthcoming session to authorize the acceptance by Canada of these territories.

I have the honour to be
My Lord,
Your Lordship's most obedient
humble servant
Dufferin

The Right Hon^{ble} The Earl of Carnarvon
&c &c &c

Minutes/ Notes

M^r Malcolm:

The Canadian Gov^t propose to submit to the Dominion Parl at its next session Resolutions authorizing the acceptance by Canada of the British territories in North America not now included in its boundaries.

If this mode of procedure is approved no present action appears to be required on this despatch, in which case Put by.

E.B. P[ennell] 19.12.77
W.R. M[alcolm] 19.12.77

Mr. Pennell.

The Minute speaks of Imperial legislation Has it been decided that an act of Parliament will be necessary?

R.G.W. H[erbert] Dec 21

M^r Herbert.

An Act of Parliament seems to have been contemplated[.] see [] the Minute of Council⁴² [...] which states that "to avoid all doubts it w^d be desirable that an Act of the Imperial Parl^t should be passed defining the boundaries" &c &c.

E.B. P[ennell] 2/1/78

Mr. Malcolm

There are the strongest objections to bringing in a Bill unless it is absolutely necessary. Is it certain that local Legislation after Letters Patent will not suffice?

R.G.W. H[erbert] Jan 4

I believe that the course suggested by M^r Herbert w^d be sufficient. The territories proposed to be annexed to Canada are already part of the possessions of the Crown, but without any form of constitution or Government. I believe therefore that the Crown can hand them over to the Colony on the Colony signifying its willingness to accept them.

But it would be best to consult [the] L[aw] O[fficers] either now or when the matter is ripe for action – perhaps now?

W.R. M[alcolm] 4.1.78

Yes – I would now take their opinion.

R.G.W. H[erbert]

⁴² See/ Voir doc. 13.

I have spoken to Lord C[arnarvon] about this. He [blank blanc] I am to write the D[ra]ft to L.O. to be prepared at once.

R.G.W. H[erbert] Jan [21?]

24.

Despatch from Governor General to Secretary of State for the Colonies

Dépêche du gouverneur général au secrétaire d'État aux Colonies

TNA, CO 42/753

Government House, Ottawa

May 10th 1878

N^o 127

Sir,

With reference to the correspondence which has passed on the subject of the inclusion within the boundaries of Canada of certain Territories on the North American Continent, I have the honour of transmitting to you herewith a copy of an Address from the Legislature requesting me to forward, that it may be laid at the foot of the Throne, an Address to the Queen from the Senate and House of Commons declaring it to be desirable that an Act of the Imperial Parliament should be passed extending and defining the North Easterly, North[er]ly, and North Westerly Boundaries of the Dominion.

I have the honour to be

Sir

Your most obedient

humble servant

Dufferin

The Right Hon^{ble} Sir M.E. Hicks-Beach, Bart.

&c &c &c

Enclosure 1: Address from House of Commons and Senate to Governor General
Pièce jointe 1 : Adresse de la Chambre des communes et du Sénat au gouverneur général

Printed Copy/ Copie imprimée

To His Excellency the Right Honorable Sir *Frederick Temple*, Earl of *Dufferin*[,] Viscount and Baron *Clandeboyne*, of *Clandeboyne*, in the County *Down*, in the Peerage of the United Kingdom, Baron *Dufferin* and *Clandeboyne*, of *Ballyleidy* and *Killeleagh*, in the County *Down*, in the Peerage of *Ireland*, and a Baronet, Knight of the Most Illustrious Order of *Saint Patrick*, Knight Grand Cross of the Most Distinguished Order of *Saint Michael* and *Saint George*, and Knight Commander of the Most Honorable Order of the Bath, Governor General of *Canada*, and Vice-Admiral of the same, &c., &c., &c.

May It Please Your Excellency,—

We the Senate and Commons of Canada have agreed to an Address to Her Majesty on the subject of the North-Easterly, Northerly, and North-Westerly Boundaries of *Canada* declaring it desirable that an Act of the Parliament of the United Kingdom of *Great Britain* and *Ireland* should be passed defining the same, and respectfully to request that Your Excellency will be pleased to transmit the said Address in such a way as to Your Excellency may seem fit, in order that it may be laid at the Foot of the Throne.

Enclosure 2: Address from House of Commons and Senate to The Queen
Pièce jointe 2 : Adresse de la Chambre des communes et du Sénat à la Reine

To the Queen's Most Excellent Majesty

Most Gracious Sovereign

W^e. Your Majesty's most dutiful and loyal subjects, the Senate and Commons of Canada, in Parliament assembled, humbly beg leave to approach Your Majesty for the purpose of representing:—

That doubts exist regarding the Northerly and North-Easterly Boundaries of the North-West Territories and Rupert's Land, transferred to Canada by Order of Your Majesty in Council, of the 23rd June, 1870, incorporating the Territories of [the] Hudson's Bay Company and the North-West Territories with Canada —

That the discovery and working of minerals, in the vicinity of Cumberland Sound, have recently been reported, and other matters have transpired which make it important that all doubt respecting the jurisdiction of Canada over those parts of British North America should be removed with as little delay as possible.—

That correspondence has taken place on the subject, between the Government of Canada and the Government of the United Kingdom of Great Britain and Ireland, which, through the Right Honorable the Secretary of State for the Colonies, has intimated its willingness to transfer, to the Dominion of Canada, all the Territories in question, and has invited an expression of the views of the Government of Canada respecting the propriety of Legislation for that purpose.—

That it is expedient that the right of Canada to all of British North America, and the Islands adjacent thereto (not including the Province of Newfoundland) should be placed beyond question, and that the offer of Your Majesty's Government to transfer the said Territories to Canada be accepted.—

That to avoid all doubt in the matter, it is desirable that an Act of the Parliament of the United Kingdom of Great Britain and Ireland should be passed defining the North-Easterly, Northerly and North-Westerly Boundaries of Canada, as follows, that is to say, On the East by the Atlantic Ocean, which boundary shall extend towards the North by Davis Straits, Baffin's Bay, Smith's Straits and Kennedy Channel, including all the Islands in and adjacent thereto, which belong to Great Britain by right of discovery or otherwise, on the North the Boundary shall be so extended as to include the entire continent to the Arctic Ocean, and all the Islands in the same Westward to the one hundred and forty-first meridian West of Greenwich; and on the North-West by the United States Territory of Alaska.—

That it is desirable that the Parliament of Canada, on the transfer of the before mentioned Territories being completed, should have authority to legislate for their future welfare and good government, and the power to make all needful rules and regulations respecting them, the same as in the case of the other Territories; and the Parliament of Canada expresses its willingness to assume the duties and obligations consequent thereon.—

Senate

Friday, 3^d May 1878

House of Commons

Friday, 3^d May 1878

D. Christie

Speaker

Timothy Warren Anglin

Speaker

25.

Report from Law Officers of the Crown to Secretary of State for the Colonies
Rapport des conseillers juridiques de la Couronne au secrétaire d'État aux Colonies
TNA, CO 42/754

Temple
 28th May 1878

Sir,

We were honored with your commands, signified in M^r Malcolm's letter† of the 22nd of February last stating that he was directed by you to inform us that it was contemplated to include within the boundaries of the Dominion of Canada all those Territories on the North American continent with the Islands adjacent thereto which though taken possession of in the name of the Crown have not hitherto been annexed to any Colony.

2 That he was to enclose for our information an extract from a Memorandum⁴³ drawn up in the Colonial Department, which showed the present position of the boundaries of Canada[,] together with some correspondence which had taken place upon the subject between the Secretary of State and the Governor General of the Dominion.

3 That we would observe that it had been suggested that an Act of the Imperial Parliament might be desirable for effecting the transfer of those Territories to Canada but on that point, he was desired to enclose copies of opinions⁴⁴ delivered by the Law Officers of the Crown dated respectively the 8th of November 1866 and the 8th of May 1871 and to state that as it would appear to be lawful for Her Majesty to annex territory by Letters Patent to a Colony having representative Institutions provided the assent of the Colonial Legislature was signified thereto it seemed to you that the object in view might be effected by Letters Patent followed by Legislation in the Parliament of the Dominion without having recourse to the Imperial Parliament.

4 That you would be obliged if we would take these papers into our consideration and favour you with our opinion as to the course which it would be proper to pursue in the matter.

In compliance with the request contained in M^r Malcolm's letter, we have the honor to

Report

That we are of opinion that Her Majesty may by an Order in Council annex the territories in North America belonging to the Crown which are not included in the Dominion of Canada to that Dominion.

If however it is desired after the annexation has taken place to erect the territories annexed (except such as are mentioned hereafter) into provinces and to provide that such provinces shall be represented in the Dominion Parliament recourse must be had to an Imperial Act for we think that the Crown is not competent to change the legislative scheme established by the British North American Act 1867 (30 & 31 Vict. C. 3).

We beg to point out that the Act just referred to (part XI s 146) enacts that Her Majesty in Council may on address from the Houses of Parliament in Canada admit Rupert's Land and the North Western territory or either of them into the Union, and that the provisions of such Order in Council shall have the same effect as if enacted by the Imperial Parliament.

⁴³ See/ Voir doc. 10.

⁴⁴ These opinions related to annexations of territory to Natal and the Cape Colony. Ces avis juridiques se rapportaient aux annexions de territoire au Natal et à la colonie du Cap.

Any territory therefore included in "Rupert's Land" or "the North Western Territory" may be incorporated into the Dominion without resort to an Imperial Act.

We have the honor to be, Sir,
Sir,
Your most obt humble
servants

John Holker
Hardinge Giffard

The Right Hon^{ble} Sir Michael Hicks Beach B^t
&c &c &c

Minutes/ Notes

M^r Malcolm,

[] The Law Officers now report to the effect that all that part of B N America not included in the Dominion may be transferred to Canada by Order in Council but that an Act of Parliament is necessary if any of these territories (not included in Ruperts Land or the North West Territory & not in fact comprised in the description contained in the 146 sec: of the British North America Act) are to be erected into provinces and if it is intended to provide that such Provinces shall be represented in the Dominion Parl.

As those northern territories [] not now included in the Dominion are probably almost entirely without population it might suffice at the present moment to annex them by Order in Council to the Dominion leaving the question of their erection into Provinces & their representation in Parl^t for future time when a population may have grown up

E.B. P[ennell] 30/5/78

I think so. I would suggest to the Canadian Govt that Letters Patent be passed, pointing out that Legislation may hereafter become desirable if it should be thought desirable to erect any territories not included in Ruperts Land or the North West Territory into Provinces.

W.R. M[alcolm] 31.5.78

I agree.

R.G.W. H[erbert] May 31

C[adogan] June 2

M.E. H[icks] B[each] June 4

26.

Despatch from Secretary of State for the Colonies to Governor General
Dépêche du secrétaire d'État aux Colonies au gouverneur général
LAC/BAC, RG 7 G-21, vol. 169, file/dossier 296

Downing Street
17th July 1878.

N^o 184

My Lord,

I have the honor to acknowledge the receipt of your Lordship's Despatch, N^o 127, of the 10th of May enclosing an Address to The Queen from the Senate and House of Commons

of Canada, in which it is recommended that an Imperial Act should be passed with a view of including within the boundaries of Canada all the territories in North America and Islands adjacent thereto (with the exception of the Colony of Newfoundland) belonging to the Crown of Great Britain which are not already comprized within the Dominion.

2. I have been in communication with the Law Officers of the Crown on this subject and I am advised that it is competent for Her Majesty to annex all such territories to the Dominion by an Order in Council, but that if it is desired after the annexation has taken place to erect the territories thus newly annexed into Provinces and to provide that such Provinces shall be represented in the Dominion Parliament[,] recourse must be had to an Imperial Act; since, as I am advised, the Crown is not competent to change the legislative scheme established by the British North America Act 1867 (30 and 31 Vict. C. 3).

3. I therefore propose to defer tendering to Her Majesty any advice upon the subject of the Address of the Senate and House of Commons until I am informed whether it will meet the views of your Government that letters Patent be passed for annexing these territories to the Dominion[,] leaving the question of Imperial legislation for future consideration if it should be thought desirable to erect any such territories not now belonging to the Dominion into Provinces.

4. I have no reason to suppose that any difficulty is likely to arise in consequence of the indefinite nature of the boundaries between Ruperts Land and the North Western Territory and the territories which it is now proposed to annex to the Dominion, and no action appears to be required upon this part of the subject.⁴⁵

I have the honor to be
My Lord,
Your Lordship's most obedient
humble Servant
M.E. Hicks Beach

Governor General The Right Honble. The Earl of Dufferin, K.P., G.C.M.G., K.C.B.

&^a &^c &^c

⁴⁵ Marginal notes on draft, TNA, CO 42 754: Notes marginales sur l'ébauche de lettre, TNA, CO 42/754 :

N.B. I kept this draft to speak to M^r Malcolm on the point noticed below, but he was about to leave for some time before giving up office & then left without my being aware of the fact. E.B. P[ennell] 15/7/78.

In writing this draft I have not made any express mention of Ruperts land & the N.W. Territories as the point alluded to by the Law Officers in the two concluding paragraphs of their report is well known in Canada & in fact the Provinces of Manitoba & the North West have been created under the authority of the British North America Act. I have therefore made this report more general in the wording & have made it applicable generally to such territories in N. America as do not now belong to Canada. E.B. P[ennell] 13/7/78.

The Law Officers did not realize that the British North America Act (Constitution Act) of 1871 had been passed in order to allow for the creation of new provinces. / Les conseillers juridiques n'avaient pas pris conscience que l'Acte de l'Amérique du Nord britannique (Loi constitutionnelle) de 1871 avait été adopté pour permettre la création de nouvelles provinces.

27.

Memorandum from Minister of Justice to Privy Council**Mémoire du ministre de la Justice au Conseil privé****LAC/BAC, RG 2, vol. 371**Ottawa, 30 Aug¹ 1878

Upon the reference from the Privy Council with Despatch of 17th July 1878 from the Colonial Secretary to His Excellency the Governor General I beg to report

The Despatch acknowledges the receipt of the Address to the Queen from the Senate and House of Commons of Canada in which it is recommended that an Imperial Act should be passed with a view of incorporating within the boundar[ies] of Canada all the Territories in North America and Islands adjacent thereto, with the exception of Newfoundland, belonging to the Crown of Great Britain, which are not already comprised within the Dominion, and states that the Colonial Secretary has been advised by the Law Officers of the Crown that it is competent for Her Majesty to annex all such Territories to the Dominion by an Order in Council, and that therefore he proposed to defer tendering to Her Majesty any advice upon the subject of the Address until he is informed whether it will meet the views of this government that Letters Patent be passed for annexing these Territories to the Dominion.

Before the Address referred to was passed by the Senate and House of Commons communications on the subject passed between this government and the Colonial Secretary and in a Despatch dated 6th January 1875 from Earl Carnarvon to His Excellency the Governor General[,] after referring to the annexation to the Dominion of the Territories and Islands above mentioned[,] Lord Carnarvon stated that he should be glad before taking any further steps in the matter to be furnished with the opinion of His Excellency's Ministers on the subject, and with regard to the form in which the proposed annexation should be made. He also wished to be informed whether they would consider an Act of Parliament annexing to the Dominion all British Territories on the North American Continent with the Islands adjacent thereto, which have not hitherto been annexed to any Colony, and within certain limits which he wished His Excellency's Ministers to specify, would be sufficiently definite for the purpose.

As this government was invited to say in what form it was desired that the proposed annexation should be made, and as they were asked whether an Act of Parliament in a certain form would answer the purpose, it was thought proper that the Address praying Her Majesty to transfer to Canada the Territories &c in question should request that an Act of the Imperial Parliament should be passed for the purpose. The Address states "that to avoid all doubt in the matter it is desirable that an Act of the Parliament of the United Kingdom of Great Britain and Ireland should be passed &c."

As the Law Officers of the Crown in England are of opinion that it is competent for Her Majesty to annex the Territories in question to the Dominion by an Order in Council I will here point out the reasons which induced this government to desire an Act of the Imperial Parliament, and why doubts as to the validity of an Order in Council for the purpose referred to exist.

The British North America Act 1867 by Section 3 authorises Her Majesty to declare that the Province[s] of Canada (now Ontario and Quebec) Nova Scotia and New Brunswick should form and be one Dominion under the name of Canada.

By Section 5 Canada was divided into four Provinces, viz: Ontario, Quebec, Nova Scotia and New Brunswick.

By Sections 6 and 7 the limits of the four Provinces are provided for.

By Section 146 provision is made for the admission into the union of New Foundland, Prince Edward Island, British Columbia, Ruperts Land and the North West Territories. It is conceived therefore that except under the provisions of the 146th section no power exists whereby the limits of the Dominion of Canada can be extended so as to enable the government of Canada and the parliament of Canada respectively to exercise executive and legislative authority under the British North America Act of 1867. If therefore the powers given by the 146th Section be exhausted, further Imperial legislation would seem to be necessary to enable Her Majesty by Order in Council to extend the limits of Canada so as to give the government and parliament the same powers in respect of the extended limits as they respectively possess in respect of the limits as defined or authorised by the British North America Act of 1867.

Ruperts Land and the North Western Territory have already been admitted into the union pursuant to the 146th section. If therefore Ruperts Land and the North Western Territory as a matter of fact include all the territory and Islands asked by the address to be transferred to Canada, nothing further is required. Inasmuch however as the boundaries of Ruperts Land and the North Western territory are unknown and as they may not be so extensive as the boundaries mentioned in the address, it was thought better "to avoid all doubt in the matter", that an Act of the Imperial parliament should be obtained.

I recommend that the substance of the above be communicated to the Colonial Secretary, and that he be informed that this government is still desirous that what is prayed for by the address should be granted by an Act of parliament and not by an Order of Her Majesty in Council.

With reference to that part of the Despatch from the Colonial Secretary which gives it as the opinion of the Law Officers of the Crown that if it is desired after the annexation has taken place to erect the territories thus newly annexed into provinces and to provide that such provinces should be represented in the Dominion parliament recourse must be had to an Imperial Act since the Crown is not competent to change the Legislative scheme of the British North America Act of 1867. I recommend that the attention of the Colonial Secretary be called to the Imperial Act 34-35 Victoria Cap. 8 known as "the British North America Act 1871" which was passed for the express purpose of empowering the parliament of Canada to establish new provinces in any territories forming for the time being part of the Dominion of Canada and not included in any province thereof and to make provision for the constitution and administration of any such province, and for the passing of laws for the peace order and good government thereof and for its representation in the parliament of Canada. The attention of the Law Officers of the Crown was probably not directed to this statute.⁴⁶

Z.A. L[ash]

R. Laflamme

⁴⁶ Approved on 2 October 1878 by Order-in-Council 1878-1162D. Approuvé le 2 octobre 1878 par le décret du Conseil 1878-1162D.

28.

Despatch from Governor General to Secretary of State for the Colonies
 Dépêche du gouverneur général au secrétaire d'État aux Colonies
 TNA, CO 42/754

Citadel Quebec
 8th October 1878

N° 247

Sir,

I have the honour of transmitting to you herewith a copy of an approved report⁴⁷ of a Committee of the Privy Council concurring in a memorandum appended by the Hon^{ble} The Minister of Justice relative to the inclusion within the boundaries of the Dominion of Canada all the Territories in North America and Islands adjacent thereto [...]

I have the honour to be
 Sir
 Your most obedient
 humble servant
 Dufferin

The Right Hon^{ble} Sir M.E. Hicks-Beach, Bart.
 &c &c &c

Minutes/ Notes

M^r Bramston

The Canadian Gov^t still desire that these Territories &c shld be annexed to the Dominion by an Act of Parliament rather than by an Order in Council, and they evidently consider that the powers given by the 146th section of the [British] North America Act, 1867 are exhausted.

This indeed was my reason for suggesting an Act of Parliament in the first despatch sent to Canada on the subject, & which is now quoted against us, for I think there is no question that Rupert's Land and the North Western Territory do not include all the Territories, Islands &c belonging to this Country, which it is proposed to hand over to Canada. On the second point viz the power of the Dominion Parliament to erect such territories into Provinces &c, the provisions of the [British] North America Act 1871 wld certainly seem to have been overlooked.

The point therefore for consideration appears to be whether there is any power, apart from sec 146 of the North America Act, 1867, to annex these territories &c to Canada by Letters Patent or by order in Council, and to give the Dominion Parliament jurisdiction over them & if such power exists whether the wish of the Canadian Gov^t for an Act of Parliament shld be disregarded.

E. B[lake] 24 Oct/78
 W. D[ealtry] 25/10

[...]

I understand the Canadian Gov^t to say that an Act is required because of the peculiar position in which they are placed by the N. American Act viz By that Act Canada is

⁴⁷ Order-in-Council/ Décret du Conseil 1878-1162D.

declared to be a Dominion formed by the Union of the territory comprised within certain existing & well defined Provinces; provision is then made for Executive & Legislative authority over this specific territory under its new name of Canada. Power is also taken in the 146th section for the admission of certain islands to the Union, & for the like admission of Rupert's Land & the North West Provinces, and they suggest that the effect of this legislation is to preclude Her Majesty from annexing other territory (not included in the 146th section) to Canada, or at any rate that such annexation would not extend Executive & Legislative authority created by the Act for this definite Union to territories which were not mentioned in the Act. I think we must put this to the L[aw] O[fficers].

The second matter as to the creation of a Legislature for newly annexed Provinces, it is clear that the Act of [18]71 was not brought to the notice of the L.O.

This paper raises a very narrow point, & I put it aside till I have a quiet time to work it out.

J. B[ramston] 19/11

I think that Imperial Legislation is necessary.

Refer to L.O. as proposed [...]

R.G.W. H[erbert] Nov 19

M^r Herbert

On [reviewing?] the draft to L.O. I saw that it would scarcely do, & on beginning to prepare another it seemed to me that there was really no difference of opinion requiring a reference to L.O.

You will see that the whole of their report⁴⁸ [...] was not sent to Canada; that as regards land not included in Rupert's Land or N.W. Territory the L.O. advise that Legislation would be necessary as the legislative scheme of the Act of 1867 would not extend to it.

You have spoken to me about this & I now send on a short Bill,⁴⁹ which I think will meet the case. The Boundaries are taken from the Canadian Address⁵⁰ [...] but they do not read quite right.

1. Q[ue]ry ask Admiralty to put them into better language, & to mark them on a chart.
2. Send this Bill when Admiralty answer to Canada to know if it meets their wishes: & when we hear we shall
3. ask L.O. if it will do.

There has been much delay about this, but it is rather an intricate matter which necessarily had to be finished out of hand, & owing to the great stream of current work I waited till I could get nearly a day for it: this did not occur speedily.

J. B[ramston] 15/1

I quite agree.

Proceed as proposed, requesting an early reply from Admiralty [...]

R.G.W. H[erbert] Jan 16

⁴⁸ Doc. 25.

⁴⁹ See the next document./ Voir le document suivant.

⁵⁰ Doc. 24, enclosure/ pièce jointe.

29.

Draft Bill by Assistant Under-Secretary of State for the Colonies
 Ébauche de projet de loi du sous-secrétaire d'Etat adjoint aux Colonies
TNA, CO 42/754

[London, January 1879]

DRAFT OF A BILL FOR ANNEXING TO THE DOMINION OF CANADA
 ALL HER MAJESTY'S POSSESSIONS (~~IF ANY~~)
 IN BRITISH NORTH AMERICA WITHIN CERTAIN LIMITS.

Whereas by the 146th section of the British North America Act 1867 it is provided that it should be lawful for the Queen by & with the advice of Her Majesty's Most Honourable Privy Council on address from the Houses of the Parl^t of Canada to admit Ruperts Land and the North-western Territory, or either of them, into the Union, on such terms and conditions in each case as are in the Addresses expressed and as the Queen shall think fit to approve, subject to the provisions of the said Act, and that the provisions of any Order in Council in that behalf should have effect as if they had been enacted by the Parliament of the United Kingdom of Great Britain and Ireland[;]

And whereas Ruperts Land and the North Western Territory have been duly admitted into the Union in accordance with the provisions of the said act but the Northerly and North Easterly Boundaries of Ruperts Land & of the s[ai]^d N.W. Territories have never been defined and doubts may arise as to whether the whole of Her Majesty's Possessions in British North America became part of Canada upon the admission of the said two Territories into the Union[;]

And whereas it is expedient to ~~remove~~ prevent such doubts and to include within the boundaries of Canada all of Her Majesty's possessions in British North America (if any) which are not already admitted to the Union[;]

And whereas the Parliament of Canada has by address to H.M. expressed its willingness to assume the duties & obligations consequent upon such annexation[;]

Be it enacted by the Queen's Most Excellent Majesty by & with the advice & consent of the Lords Spiritual and Temporal in this present Parliament assembled and by the authority of the same as follows[;]

1. This Act may be cited for all purposes as "The British North America Act 1879"
2. The Dominion of Canada shall include[;]

All British Territory (if any) which is not already admitted to the Union nor part of the Colony of Newfoundland and which is situate within the following boundaries[;]

On the East the Atlantic Ocean, which boundary shall extend towards the North by Davis Straits, Baffins Bay, Smith's Straits and Kennedy Channel including all the islands in and adjacent thereto which belong to Her Majesty by right of discovery or otherwise;

On the North the boundary shall include the entire continent to the Arctic Ocean and all the islands in the same westward to the one hundred and forty first meridian West of Greenwich[;]

and on the North West the [boundary shall be the] United States Territory of Alaska.

3. The Parliament of Canada may from time to time exercise over the Territory included within the aforesaid boundaries all powers which are conferred upon the said Parliament by the British North America Act 1867 and the British North America Act 1871.

[John Bramston]

30.

Memorandum by Hydrographer, Royal Navy
Note de l'hydrographe, Marine royale
TNA, ADM 1/6509

In this letter,⁵¹ the Colonial Office forward the draft of a Bill to be proposed for the consideration of the Imperial Parliament during the ensuing Session, defining the boundaries of the Canadian Dominions on the North East, North and North West; and request any observations, it may occur to their Lordships to offer on the subject as also suggestions tending to define more accurately the new boundaries which it is now proposed to give to Canada.

The Colonial Office add, that these boundaries, as defined in the draft Bill, follow the terms of an address on the subject passed by the Parliament of Canada: these boundaries (Colony of Newfoundland not being included therein) being as follows:

"On the East the Atlantic Ocean, which boundary shall extend towards the North by Davis Straits, Baffin's Bay, Smith Straits and Kennedy Channel, including all the Islands in and adjacent thereto which belong to Her Majesty by right of discovery or otherwise.

On the North the boundary shall include the entire continent to the Arctic Ocean and all the islands in the same Westward to the one hundred and forty first Meridian West of Greenwich, and on the North West the United States territory of Alaska".

Remarking that the object of this Bill appears to be to define the limits of British North America, I would observe that prior to 1852, the Northern limits of the Polar lands – West of Greenland – as discovered by British navigators, did not extend North of the entrance to Smith Sound. From this position, Captain Inglefield of the Royal Navy then saw land to the North extending beyond the 79th parallel of Latitude. In 1853-5; again in 1860-1; and in 1871-3, American officers explored this region to beyond the 82nd parallel; Kennedy Channel (now named in the proposed Bill) being the boundary between the lands so explored on the West, and of Greenland on the East: to the former they gave the name of Grinnell Land. Our own Arctic Expedition of 1875-6 pushed northward of the Coasts explored by the Americans.

In view of these discoveries by American citizens, it is a matter for consideration whether the proposed boundaries should include the words "Kennedy Channel and all the islands in and adjacent thereto". But as embracing, as would appear undoubted, British discoveries, the Eastern boundary might be defined as extending to Smith Sound so far North only as the 78°½ parallel of latitude. This, however, without prejudice to the rights of this country established by the discovery of more Northern lands made in the late Arctic Expedition.

If the amendment here suggested is adopted, the definition of the boundaries to be given in the Draft Bill would read from the words "on the East", as follows:—

"On the East the Atlantic Ocean, which boundary shall extend towards the North by Davis Straits, Baffin's Bay and Smith Sound as far as the parallel of 78°.30' of North

⁵¹ Bramston to Secretary to the Admiralty, 18 January 1879.

latitude, including all the islands in and adjacent thereto which belong to Her Majesty by right of discovery or otherwise.

Thence on the North the boundary shall be the parallel of 78° 30' North latitude, to include the entire continent to the Arctic Ocean, and also the islands in the same westward to the one hundred and forty first Meridian West of Greenwich, and thence on that Meridian Southerly till it meets on the N. N. W. part of the continent of America, the United States territory of Alaska."

A Chart⁵² of the North Polar Ocean giving the Western boundary of the Dominion of Canada, and showing by Colours the lands on the East and North discovered by British Navigators, as also of those discovered by Americans, in the region under review is attached hereto. There is also shown by a red dotted Line the amended Northern and Eastern boundaries as suggested for consideration.

Fred^d Jno Evans
Hydrographer

[London,] January 23rd 1879

31.

Letter from Naval Secretary to the Admiralty to Under-Secretary of State for the Colonies

Lettre du secrétaire naval de l'Amirauté au sous-secrétaire d'État aux Colonies
TNA, CO 42/759

Admiralty,
28th January 1879.

Immediate

Sir,

With reference to your letter⁺ of the 18th Instant, enclosing among other correspondence the draft of a Bill proposed for the consideration of the Imperial Parliament during the ensuing session defining the Boundaries on the N.E. and N.N.W. of the Canadian Dominion and asking for any observations on the subject and for a chart showing approximately the proposed new boundaries of the Dominion, I am commanded by my Lords Commissioners of the Admiralty to send you for the information of Sir Michael Hicks Beach, copy of a report dated the 23rd Instant from the Hydrographer of the Admiralty on the subject together with a chart giving the information required, and I am to add that my Lords concur with his remarks.

I am, Sir,
Your obedient Servant
Robert Hall

The Under Secretary of State for the Colonies [R.G.W. Herbert].

⁵² Map 3 is based on this chart./ La carte 3 se fonde sur cette carte.

Minutes/ Notes

M^r Bramston

The object in annexing these unexplored territories to Canada is, I apprehend, to prevent the United States from claiming them, and not from the likelihood of their proving of any value to Canada.

I doubt therefore the wisdom of attempting to define precisely, as the Admiralty Hydrographer proposes, the North East and Northern boundaries of these territories, and I shld like to see them left somewhat indefinite, as in the Address of the Canadian Parliament and in your draft Bill, with the addition perhaps of some words showing that this Country only claimed to dispose of what belonged to it by right of discovery or otherwise, and which wld be sufficient answer to the U.S. Gov^t if they shld at any time think it worth while to dispute the claims of Canada to some of these territories, on the ground that they had been discovered by U.S. Citizens.

E. B[lake] 29 Jan/79

M^r Herbert

Did you understand that Canada asks for the annexation of all the British discoveries up to the North Pole? The Admiralty suggest that they should stop at the 78½ parallel.

If there is no objection to their having these inhospitable shores, we must consult them on the Admiralty proposal, & send them the draft Bill, copy of correspond^{ce} & a copy of this map.

It is clear I think that the N.W. Territory & Ruperts Land will not [enclude?] all that is [covered?] by the address of the Canadian Parlt.

J. B[ramston] 1/2

I think we had better take the boundaries given by the Admiralty, embody them in the Draft Bill & send it for the consideration of the Dominion Govt, requesting an early reply. If they concur, the Law Officers should settle the Draft Bill.

R.G.W. H[erbert] Feb 3
C[adogan] Feb. [3?]

Mr Herbert

1. These papers should have been sent to me before the reference to the Admiralty. No Imperial legislation – on however small a matter – ought, in my opinion, to be suggested by the Colonial Office without the sanction of the Secretary of State.

2. I am not yet satisfied that there is any necessity for legislation at all. Where have the boundaries of Rupert's Land and the North West Territories been defined so as to exclude land which it is now desired to annex to the Dominion?⁵³ Unnecessary legislation is always objectionable – but what might be said of a Bill proposing to annex to Canada a region extending to the North Pole, which perhaps does not exist as land at all, which nobody has yet explored, and which, when explored, could not be utilized?

M.E. H[icks] B[each] Feb 6

⁵³ On the boundaries of the North-Western Territory, see doc. 10, footnote 21 on minute by Blake, 19 December 1874. Given this broad definition, Hicks Beach was making a valid and important point.

En ce qui concerne les limites territoriales du Territoire du Nord-Ouest, voir doc. 10, note en bas de page 21 de la note de Blake, 19 décembre 1874. Étant donné cette large définition, Hicks Beach apportait un point valide et important.

Mr Blake

2. The Dominion Govt say that "the boundaries of the North West Territory and Rupert's Land are unknown" Please give any information you can find as to these boundaries.

R.G.W. H[erbert] Feb 6

M^r Herbert

I do not think I can add anything to the information on the subject given in the first 7 pages of my minute⁵⁴ [...]. The difficulty in the matter arises from the indefinite description of the territories granted to the Hudson's Bay Company by their Charter of 1670.

The Hudson's Bay Company at first claimed under that charter everything in North America to the North of the then French possessions in Canada, but subsequently narrowed their claims to the lands draining into Hudson's Bay, which will be best understood by looking at the Map in the Parliamentary Paper H.C. 542 of 1850, in which the lands thus claimed by the Hudson's Bay Company are coloured green.

These lands (Rupert's Land) and the North West Territories were annexed to Canada without any attempt to define their boundaries. Canada therefore at present stands, in respect of these territories, in exactly the same position as the Hudson's Bay Company did formerly. The proposal to annex to Canada the unexplored territories in North America arose out of applications received by this office for concessions of land &c in Cumberland Island, which lies to the North East of Hudson's Bay, which cld not be considered to drain into Hudson's Bay, or to form part of the North West Territory.

It was felt that there wld be grave inconvenience in HM Gov^t attempting to exercise jurisdiction in these regions, independently of the Government of Canada, while at the same time it appeared clear that the Gov^t and Legislature of Canada had no jurisdiction there. It was therefore thought desirable that all British territories in North America, which might not already have been included in Canada or Newfoundland, shld be transferred to the Dominion, and the Gov^t of Canada, for the reasons given⁵⁵ [...] consider that such annexation, or rather transfer, shld be made by an act of Parliament.

E. B[lake] 8 Feb 1879.

and the Law Officers [report of 28 May 1878]

J. B[ramston] 8/2

if the territories are not within Rupert's Land and the North West Territory

R.G.W. H[erbert]

I think not

M.E. H[icks] B[each]

Sir M. Hicks Beach

1. The papers should certainly have gone to you before the letter was sent to the Admiralty & I regret the mistake that occurred. I did not, however, look upon the sending of the Draft Bill to the Admiralty as in any way committing you to the opinion that a Bill is necessary or desirable. But it shd not have been done.

⁵⁴ See: Voir doc. 10, minute dated 19 December 1874 – note du 19 décembre 1874.

⁵⁵ Despite the name North-Western Territory, there was nothing in the definition to exclude the eastern Arctic islands. Malgré le nom « Territoire du Nord-Ouest », il n'existait rien dans la définition excluant les îles de l'est de l'Arctique.

⁵⁶ See: Voir doc. 27.

I see the objection to legislation very clearly: on the other hand I fear that without it there will be no means of establishing the right of Canada to territories which are believed to be British, but the boundaries of which have never been authoritatively defined.

If a Bill is found to be unavoidable, perhaps it might take the less assailable form of a measure to declare that all territories and places in North America now belonging to the Crown, but not hitherto specifically included within the boundaries of the Dominion, shall be so included.

R.G.W. H[erbert] Feb 10

That would certainly, I think, be the best form for dealing with the case, whether it be dealt with by a Bill or an Order in Council.

Cumberland Island, & the lands adjacent, would seem not to be included in Rupert's Land (from the way in which they are coloured on the map), nor in the "North West" Territory, judging from their position. But the Law Officers [...] distinctly state that H.M. may by Order in Council annex the territories in North America in this position (belonging to the Crown, but not included in the Dominion of Canada) to the Dominion. Therefore, what reason can there be for an act of Parliament? The argument of the Dominion Gov^t that there is such reason seems to me very weak: but I think the Law Officers should judge of that point. And the best course will be to send them such a letter – with enclosures – as has been already drafted,† & which I now attach to these papers.

M.E. H[icks] B[each] Feb 20

M^r Herbert

Ought not a further question to be asked, viz. whether after such annexation, if possible, the legislative powers of Canada would extend to the territories so annexed. The L.O. first opinion [...] seems to be that an Order in C is sufficient for the purpose of annexation; but that the Parliament of Canada would have no power to legislate for the country under discussion because its authority is by the Act of 1867 geographically limited to the Dominion as originally created i.e. the four provinces (sec. 5) of Ontario, Quebec, Nova Scotia & New Brunswick, with power under sec. 146 to govern [and] legislate also for Rupert's Land, & the N.W. Territories ([and] Newfoundland, Prince Edward Island, and British Columbia) if admitted to the Union as provided [for] by that section.

I think we should also ask the L.O. whether this want of legislative power is supplied by the later Act of 1871.

I submit a further para.† in the draft for cons[ideratio]n.

J. B[ramston] 21/2

I agree.

R.G.W. H[erbert] Feb 21

M.E. H[icks] B[each] Feb 23

32.

Report from Law Officers of the Crown to Secretary of State for the Colonies
Rapport des conseillers juridiques de la Couronne au secrétaire d'Etat aux Colonies
TNA, CO 42/759

Temple,

3rd April 1879

Sir,

We were honoured with your commands, signified in M Herbert's letter[†] of the 26th of February, last, stating that he was directed by you to transmit to us a copy of a Despatch from the late Governor General of Canada enclosing a Report of a Committee of the Privy Council, with a Memorandum by the late Minister of Justice, relating to the inclusion within the boundaries of Canada of all the territories in British North America and of the Islands adjacent thereto (with the exception of the Colony of Newfoundland and its Dependencies)[.] a subject upon which we favored you with a Report, dated the 28th of May last.

2. That you communicated to the Governor General the substance of our Report and a further question was now raised by the Dominion Government, who appeared to contend that an Imperial Act was necessary to carry out the object in view because of the position in which Canada was placed by the British North America Act 1867. That by that Act Canada was declared to be a Dominion formed by the Union of the territor[ies] comprised within certain existing and well defined Provinces; provision was made for executive and legislative authority over the specific territory under its name of Canada, and power was taken in the 146th Section, for the admission of certain Islands to the Union, and for the like admission of Ruperts Land and the North West Provinces. That it was suggested on the part of the Dominion Government that the effect of that legislation was to preclude Her Majesty from annexing other territory (not included in the 146th Section of the Act) or at any rate that such annexation would not extend the Executive and Legislative Authority created by the Act for that definite Union to territories which were not mentioned in the Act.

3. That with reference to that part of our Report which stated that if it were desired, after the annexation had taken place, to erect the territories newly annexed into Provinces, and to provide that such Provinces should be represented in the Dominion Parliament, recourse to an Imperial Act would be necessary, the Crown not being competent to change the Legislative scheme of the British North America Act of 1867[.] that the Minister of Justice called attention to the Imperial Act 34 and 35 Viet. cap. 28 known as "The British North America Act 1871", to which our notice was not drawn when the previous reference was made to us by the Colonial Department.

4. That he was desired, further, to enclose a copy of a Despatch received from the Governor General of the Dominion on the 22nd of May last (a few days previous to our Report of the 28th of that month), transmitting an Address to The Queen declaring it to be desirable that an Act of the Imperial Parliament should be passed defining the boundaries of Canada as stated therein, and that he was also to enclose copies of the papers upon that question upon which our Report of the 28th of May was founded together with copy of that Report.

5. That you would be obliged if we would take these papers into our consideration and favour you with a further expression of our opinion as to whether, having regard to the provisions of the British North America Act 1871, any further Imperial legislation was necessary, or whether, if the annexation to Canada of the new territories proposed to be

added to the Dominion was effected by Order in Council, the extended provisions of the Act 34 and 35 Vict. cap. 28 would after annexation give to the Government and Parliament of Canada full Executive and Legislative Authority over the territories and Islands in question.

That it appeared to you to be for obvious reasons undesirable to have recourse to legislation by the Imperial Parliament unless such a course was unavoidable.

In obedience to your commands we have the honor to Report

That we confirm our opinion expressed in the Report of the 28th May 1878 that Her Majesty may by Order in Council annex the territories in North America belonging to the Crown which are not included in the Dominion of Canada, to that Dominion.

We think that if such annexation were effected the provisions of 34 and 35 Vict. c. 28 (to which our attention had not been drawn when we made our report of the 28th May 1878) would give, after annexation[,] to the Governor and Parliament of Canada full executive and legislative authority over the territories and islands in question.

We have the honor to be,

Sir,

Your obedient humble
Servants

John Holker

Hardinge Giffard

The Right Honourable Sir Michael Hicks Beach, Bart

&c &c &c

33.
Despatch from Secretary of State for the Colonies to Governor General
Dépêche du secrétaire d'État aux Colonies au gouverneur général
LAC/BAC, RG 7 G-21, vol. 169, file/dossier 296

Downing Street

18th April 1879.

N^o 106

My Lord,

I duly received your Predecessor's Despatch N^o 247 of the 8th of October last, enclosing an approved Report of a Committee of the Privy Council concurring in a Memorandum by the late Minister of Justice relating to the inclusion within the boundaries of Canada of all the territories in British North America, and of the Islands adjacent thereto (with the exception of the Colony of Newfoundland and its Dependencies,) a matter which has formed the subject of previous correspondence between the Governor General and the Secretary of State.

2. I communicated a copy of the Earl of Dufferin's Despatch and enclosures to the Law Officers of the Crown, and having drawn their special attention to the arguments which led the late Government of Canada to consider that an Act of the Imperial Parliament was desirable for effecting the object in view, I requested their opinion whether, having regard to the provisions of the British North America Act 1871, any further Imperial legislation is necessary, or whether, if the annexation to Canada of the new territories proposed to be added to the Dominion is effected by Order in Council, the extended provisions of the Act 34 and 35 Victoria Cap 28 would, after annexation, give to the Government and Parliament

of Canada full executive and legislative authority over the territories and Islands in question.

3 The Law Officers, in reply, confirm the opinion expressed in a former Report the substance of which I communicated to your Predecessor in my Despatch N° 184 of the 17th of July 1878 vizt, "that Her Majesty may by Order in Council annex the territories in North America belonging to the Crown which are not included in the Dominion of Canada to that Dominion"; and I am advised by them that "if such annexation were effected the provisions of 34 and 35 Vic. c 28. (to which their attention had not been drawn when they made their former Report,) would give[.] after annexation[.] to the Governor and Parliament of Canada, full executive and legislative authority over the territories and Islands in question."

4 I shall be prepared therefore, should your Government desire it, to take the necessary steps forthwith for effecting the annexation to Canada of the territories in question by means of an Order of Her Majesty in Council, but as Imperial legislation is not necessary for this purpose, it will of course not be advisable to have recourse to it.

I have the honor to be
My Lord,
Your Lordship's most obedient
humble servant

M.E. Hicks Beach

Governor General The Right Hon^{ble} The Marquis of Lorne, K. L., G.C.M.G.
&c &c &c

34.

Despatch from Secretary of State for the Colonies to Governor General
Dépêche du secrétaire d'Etat aux Colonies au gouverneur général
LAC/BAC, RG 7 G-3, vol. 6

Downing Street
19th April 1879.

Confidential

My Lord,

Referring to my Despatch N° 106 of the 18th Instant, intimating the opinion of the Law Officers of the Crown respecting the annexation of certain territory to Canada by means of an Order in Council, I anticipate that your Government will share the satisfaction with which I have received this advice. There are obvious reasons which make this course of action preferable to attempting to secure the same object by the introduction of a Bill into the Imperial Parliament. Questions might be raised in the discussion of such a measure which might, in the great press of business, not improbably lead to the abandonment of the project; and I shall be glad to learn that your Government concur in my proposal to obtain an Order in Council for the purpose.

I have the honor to be
My Lord,
Your Lordship's most obedient
humble servant

M.E. Hicks Beach

Governor General, The Right Hon^{ble} The Marquis of Lorne, K.L., G.C.M.G.
&c &c &c

35.

Memorandum from President of Privy Council to Governor General**Note du président du Conseil privé au gouverneur général****LAC/BAC, RG 2, vol. 384**

[Ottawa]

The Committee of Council have had under consideration the Confidential despatches from the Right Hon. the Secretary of State for the Colonies of the 18th and 19th April last respecting the annexation of certain territory to Canada by means of an Order in Council.

The Right Hon: Sir John A. Macdonald in a Report[†] dated 3rd November 1879, states that the information contained in such despatches of the opinion of the Law Officers of the Crown respecting the annexation of certain territory to Canada is in the highest degree satisfactory, and he recommends that Her Majesty's Government be requested to obtain an Order in Council for the purpose of such annexation as suggested in the Despatch of the 19th April last.

The Committee submit the above recommendation for Your Excellency's approval.

John O'Connor

Approved.⁵⁷

4/11/79.

Lorne

36.

Despatch from Governor General to Secretary of State for the Colonies**Dépêche du gouverneur général au secrétaire d'État aux Colonies****TNA, CO 42/758**

Government House, Ottawa.

5th November 1879.N^o 315

Sir

With reference to your despatch N^o 106 of the 18th April last and to previous correspondence relating to the inclusion within the boundaries of Canada of certain Territory, I have the honour of presenting herewith a copy of a Report⁵⁸ of a committee of the Privy Council, embodying a Memorandum by the Right Honourable Sir J.A. Macdonald, recommending that Her Majesty's Government be requested to obtain an Order-in-Council for effecting the annexation to Canada of the Territory in question.

I have the honour to be

Sir

Your most obedient

humble servant

Lorne

The Right Hon^{ble} Sir M.E. Hicks Beach, Bart

&c. &c. &c.

⁵⁷ Order-in-Council/ Décret du Conseil 1879-88E.⁵⁸ Order-in-Council/ Décret du Conseil 1879-88E.

Minutes/ Notes

M^r Bramston,

The next step in this matter would now appear to be the preparation of an Order in Council to effect the annexation of the territories in question to Canada.

The form which the order should take will probably be that suggested in M^r Herbert's minute (Feb 10)⁵⁹ [] without adopting the boundaries suggested in the Address to the Queen⁶⁰ from the Senate & H^{ouse} of Commons of Canada [] or those given in the Adm^{inistrative} letter⁶¹ [...] Newf^{undland} & it's dependencies will be excluded from the Order, although it would no doubt have been much more convenient that all the mainland should belong to Canada. The boundaries of Newf^{undland} on the Labrador Coast are moreover very indefinite, but inasmuch as it is very improbable that it's inhospitable shores will be peopled to any extent for years to come (before w^{hich} time Newf^{undland} will probably have joined the Union) it will probably be thought unnecessary to take the present opportunity of defining them more exactly.

E.B. P[ennell] 24/11/79

I agree – it might be judicious to send the draft to Canada before it goes to the L^{ord} O^{verseer}.

J. B[ramston] 24/11

R.G.W. H[erbert] Nov 28

Draft O in C [at once?] for cons[ideratio]n.

C[adogan] Nov 26

M^r Herbert,

I am sorry to say that I have overlooked these papers; I began the draft, had to lay it aside for some more pressing matter, & did not take it up again immediately, & so allowed it to fall into [arrears?].

I send on a Draft order in Council,⁺ which will, I believe, be sufficient – though as you see it is quite different from the Cape precedents: they authorise the Governor to annex by proclamation, at the same time modifying the laws so as to suit the natives living in the annexed districts.⁶² Here there are no natives except wandering Esquimaux & so far as we know, we are dealing with islands & [pieces?] of continent partly, if not entirely uninhabited. Would you send it to Canada first, or to the L.O.?

J. B[ramston] 22/1 [1880]

I would have the Draft settled by the Law Officers first.

R.G.W. H[erbert] Jan 27

Yes.

M.E. H[icks] B[each] Jan 28

⁵⁹ See/ Voir doc. 31.

⁶⁰ Doc. 24, enclosure/ pièce jointe.

⁶¹ See/ Voir doc. 30.

⁶² See *Our Proclamations of Laws for Native Territories Annexed to the Colony of the Cape of Good Hope* (Cape Town: Saul Solomon, 1880).

37.

Draft Letter from Assistant Under-Secretary of State for the Colonies to Law Officers
Projet de lettre du sous-secrétaire d'État adjoint aux Colonies aux conseillers
juridiques
TNA, CO 42/758

[Downing Street,]
 6th Feb. 1880.

Sir

I am directed by the S. of S. for the Colonies to invite your attention to the report with which in conjunction with the AG/ SG you favoured him upon the 3rd of April last upon the subject of certain territories & lands in British North America, which it is proposed to annex by Order in Council to the Dominion of Canada.

2. With reference to that report I am to transmit the draft of an Order in Council, and I am to inquire whether in the opinion of yourself & the AG/ S.G. such Order will be proper & sufficient for the purpose of annexing the territories & islands in question to the Dominion of Canada.⁶³

J. B[ramston]

38.

Despatch from Secretary of State for the Colonies to Governor General
Dépêche du secrétaire d'État aux Colonies au gouverneur général
LAC/ BAC, RG 7 G-21, vol. 169, file/ dossier 296

Downing Street
 16th August, 1880.

No. 131

My Lord,

With reference to your Despatch, No. 315, of the 5th of November 1879, enclosing an approved Report of a Committee of the Dominion Privy Council relative to the inclusion of certain Territories within the boundaries of Canada, I now have the honor to transmit to you the enclosed Order⁶⁴ of Her Majesty in Council, dated the 31st of July, annexing to the Dominion of Canada, from the 1st of September 1880, such British Possessions in North America (with the exception of the Colony of Newfoundland and its Dependencies) as are not already included in the Dominion.

I have the honor to be,
 My Lord,
 Your Lordship's most obedient
 humble servant,

Kimberley

Governor-General The Right Honorable The Marquis of Lorne, K.T., G.C.M.G.
 &c &c &c.

⁶³ No substantive changes were made to the draft Order-in-Council. Aucune modification de fond n'a été apportée au projet de décret.

⁶⁴ See/ Voir *Canada Gazette*, 9 October 1880, p. 389; p. 409-410 (version française).

39.

Memorandum from Acting President of Privy Council to Governor General
Note du président par intérim du Conseil privé au gouverneur général
LAC/BAC, RG 2, vol. 420

[Ottawa]

The Committee of Council have had under consideration a Despatch dated 16th August 1880, N^o 131, from the Earl of Kimberley, enclosing an Order of Her Majesty in Council dated the 31st of July 1880, annexing to the Dominion of Canada from the 1st September 1880 such British possessions in North America, (with the exception of the Colony of Newfoundland and its dependencies) as are not already included in the Dominion.

The Minister of Justice to whom the said Despatch was referred with a view to endeavour to obtain information regarding the occupants of the Country North and North West of Hudson's Bay, and their habits and pursuits, reports that immediately after the reference he entered into a correspondence with the principal officer of the Hudson's Bay Company on the subject, and that gentleman very kindly caused Circulars to be addressed to such of the Agents on the Company as were likely to be able to furnish information on the points under consideration. On the 22 of July last the Chief Executive Officer of the Company, Mr James Grahame, addressed a letter*⁶⁵ to him, the Minister, informing him that the parties to whom he had referred the enquiries were unable to furnish the required information.

The Minister is not aware of any other source where such information as is desired may be sought, and he advises that no steps be taken with the view of legislating for the good government of the country until some influx of population or other circumstance shall occur to make such provision more imperative than it would at present seem to be.

The Committee concur in the report of the Minister of Justice and advise that a copy of this Minute when approved be transmitted to Her Majesty's Secretary of State for the Colonies.

John A. Macdonald

Approved⁶⁶
 23 September 1882
 W.J. Ritchie

40.

Memorandum from President of Privy Council to Governor General
Note du président du Conseil privé au gouverneur général
LAC/BAC, RG 2, vol. 442

[Ottawa]

On a Memorandum[†] dated 15th January 1884, from the Minister of the Interior, representing that it is important that the Great Northern Region of the Dominion watered

⁶⁵ Not found./ Non retrouvée.

⁶⁶ The resulting Order-in-Council (1882-1839) was forwarded to the Colonial Office on 28 September. In London, Lord Kimberley agreed with the official who remarked, 'Le décret du Conseil correspondant (1882-1839) a été envoyé au ministère des Colonies le 25 septembre. A Londres, lord Kimberley a été d'accord avec le responsable qui a fait la remarque.

It will be time enough to legislate when there is Population. (TNA, CO 42/772.)

by the MacKenzie, Peel and Yukon Rivers, should be explored⁶⁷ with a view to obtaining fuller and more accurate information than is now possessed in respect to the climate and general resources thereof, as well as in regard to the condition of the Indians throughout that Northern Country.

The Minister recommends that the services of Colonel W.F. Butler C.B., whose visit to the North West Territories in 1870 contributed to bring those Territories favourably into public notice,⁶⁸ and whom, he considers, to be specially well qualified to conduct such an expedition with the assurance of very valuable results to the Country, be secured for the purpose of such exploration, which should not occupy more than the six months of next summer.

The Minister recommends that steps be taken to obtain leave of absence from the proper Military authorities.

The Committee advise that Your Excellency be moved to transmit to the Right Honorable the Secretary of State for the Colonies a request for leave of absence to Colonel Butler for the purpose of carrying out the duties incidental to the undertaking.

John A. Macdonald

App^d ⁶⁹

23-1-84

Lansdowne

41.

Memorandum from Director, Geological and Natural History Survey, to Minister of the Interior

Note du directeur, Commission de géologie et d'histoire naturelle, au ministre de l'Intérieur

LAC/ BAC, RG 15, vol. 297, file/ dossier 61861

Ottawa, 14 Dec^r 1885

[Thomas White, Minister of the Interior]

The annexed mem^{am} prepared at my request by D^r G.M. Dawson clearly explains the facts in connection with this proposed exploration. The desirability of undertaking it has frequently been considered when arranging for the annual field work of the Geo^l Survey.

⁶⁷ This plan was inspired by an application from an American, William Moore, who wanted to conduct a survey of the Yukon River region with a view to mineral discoveries. Moore asked for financial support, addressing his request to the government of British Columbia. See Clement F. Cornwall (Lieutenant Governor of British Columbia) to Secretary of State, 18 April 1883, with enclosed letters from Moore and other documents, LAC, RG 15, vol. 297, file 61861.

Ce plan a été inspiré par la demande d'un Américain, William Moore, qui voulait effectuer un levé de la région du fleuve Yukon en vue d'en découvrir le potentiel minéral. Moore demandait un appui financier, adressant sa demande au gouvernement de la Colombie-Britannique. Voir Clement F. Cornwall (lieutenant-gouverneur de la Colombie-Britannique) au secrétaire d'État, 18 April 1883, comprenant des lettres de Moore ainsi que d'autres documents, BAC, RG 15, vol. 297, dossier 61861.

⁶⁸ See/ Voir W.F. Butler, *The Great Lone Land: A Narrative of Travel and Adventure in the North-West of America* (London: Sampson Low, Marston, Low, & Searle, 1875).

⁶⁹ Order-in-Council/ Décret du Conseil 1884-79.

Nothing came of the request for Butler's services, and the matter was then referred by the Minister of the Interior to the Geological and Natural History Survey. La demande pour les services de Butler n'a rien donné, et la question a ensuite été renvoyée par le ministre de l'Intérieur à la Commission de géologie et d'histoire naturelle.

The remoteness of the region, however, and the consequent difficulty & cost of reaching it, as well as the fact that there are large areas nearer our base of operations still unexplored, led to the conclusion that it was inexpedient at present to enter upon it. It was also considered that the work could be most advantageously carried out in connection with the Survey which it is presumed must ere long be made to fix the boundary in this region between American and British territory.

Alfred R.C. Selwyn

Enclosure: Memorandum by Assistant Director, Geological and Natural History Survey

Pièce jointe : Note du directeur adjoint, Commission de géologie et d'histoire naturelle

MEMORANDUM ON PROPOSED EXPLORATION OF YOUNG REGION

With reference to the correspondence included under file 76268, covering the petition of William Moore & others soliciting aid toward an exploration of the territory drained by the Youcon etc., the following remarks may be made:—

It is undoubtedly important that the territory in question should be explored, not alone from the fact that portions of it may possess economic value, but also as a preliminary to the delineation of the boundary between the Dominion of Canada & Alaska, which may probably have to be undertaken before many years.

The exploration proposed by William Moore & others is evidently intended to be of the nature of a "prospecting" Expedition. Several routes through the Country in question are already known to miners & prospectors & it has been traversed by such travellers & the employees of the Hudson Bay Company & offers no insuperable difficulties. It would therefore appear that "prospecting" for placer gold mines may well be left in the hands of private adventurers, & that while it might be advisable to attach an experienced placer miner to any exploring party, it would be undesirable to subordinate the proper work of such a party to that of "prospecting" for gold. The result of such prospecting expeditions assisted, in former years, by the Government of British Columbia has seldom been satisfactory, & the reports presented by them have possessed little accuracy & no scientific value, being confined to generalities & superficial observations, with rough guesses at distances, elevations, etc.

Should the exploration of the region in question be contemplated it would appear desirable that it should be undertaken without the assistance of volunteer & irresponsible explorers or amateur geographers. Its conduct might be placed in the hands of the Dominion Lands or Geological Survey branch, from one or other of which a properly qualified surveyor, with one or two assistants possessing adequate knowledge of astronomical work & scientific training in Geology & Natural History[,] ought [to] be selected. The character of the work carried out already by explorers connected with these

⁷⁰ This material is now in file 61861. / Ces documents se trouvent désormais dans le dossier 61861.

surveys is such as to warrant the belief that they are fully competent to undertake that [area?] especially referred to. [...]⁷¹

George M. Dawson

Ottawa, 11. December. 1885

42.

Letter from Deputy Minister of the Interior to Minister of the Interior
Lettre du sous-ministre de l'Intérieur au ministre de l'Intérieur
LAC/ BAC, RG 15, vol. 297, file/ dossier 61861

Ottawa, 12th June, 1886

[Thomas White, Minister of the Interior]

Sir,

The mining claims referred to in the letter† of Messrs Pinney & Co., of Seattle, enclosed in Mr Trutch's communication† of the 20th ultimo,⁷² which I brought to your

⁷¹ The survey was undertaken in 1887-1888 by Dawson and William Ogilvie. See doc. 43 and Dawson, *Report of an Exploration in the Yukon District, N.W.T., and Adjacent Northern Portion of British Columbia, 1887* (Montreal: Dawson Brothers, 1888); Ogilvie to White, 27 February 1888, in file 61861, and Ogilvie, *Exploratory Survey of the Lewes, Tat-On-Duc, Porcupine, Bell, Trout, Peel, and Mackenzie Rivers, 1887-88* (Ottawa: Brown, Chamberlain, 1890).

Both Dawson and Ogilvie were appointed Commissioners of Police in British Columbia and the Northwest Territories. See Grant Powell (Under-Secretary of State) to Department of the Interior, 21 April 1887, also in file 61861.

Le levé a été effectué en 1887-1888 par Dawson et William Ogilvie. Voir doc. 43 et Dawson, « Rapport sur un voyage d'exploration fait dans la région du Yukon, T.N.-O. et dans la partie septentrionale de la Colombie-Anglaise adjacente à cette région en 1887 », *Rapport annuel de la Commission de géologie et d'histoire naturelle du Canada*, vol. 3 (nouvelle série), 1^{re} partie (1887-88), rapport B; Ogilvie to White, 27 February 1888, dans le dossier 61861, et Ogilvie, « Exploration du district de la rivière Yukon », *Rapport annuel du Département de l'intérieur pour l'année 1887*, Documents de la Session, 1888, vol. 21-12, n° 14, 2^e partie, pp. 64-70.

Dawson et Ogilvie furent tous deux nommés commissaire de police en Colombie-Britannique et dans les Territoires du Nord-Ouest. Voir Grant Powell (sous-secrétaire d'État) au ministère de l'Intérieur, 21 April 1887, aussi au dossier 61861.

⁷² On 17 May 1886, G.C. Pinney and Co. addressed identical letters to Minister White, William Pearce (Superintendent of Mines, Northwest Territories) and Joseph W. Trutch (Dominion Agent, Victoria). They stated their intention to begin mining operations on the Canadian side of the border, inquired about Canadian regulations, and asked whether a Commissioner and Justice of the Peace might soon be appointed. They also asked how it was possible to comply with the law on registration of claims when there were no Dominion Lands agents in the area. In his reply, dated 1 June, Pearce assured them that they could register their claims with the nearest agent in British Columbia. In a letter to Burgess, written on the same date, Pearce stated that an increase in mining in the Yukon seemed likely, and that it would be advisable to appoint an official who could take care of both customs and the registration of mining claims. All these letters are in file 61861.

Le 17 mai 1886, G.C. Pinney and Co. a envoyé des lettres identiques au ministre White, à William Pearce (surintendant des mines, Territoires du Nord-Ouest) et à Joseph W. Trutch (agent du Dominion, à Victoria) pour signifier son intention d'amorcer des activités minières du côté canadien de la limite territoriale, s'informer des règlements canadiens et demander si un commissaire et juge de paix serait bientôt nommé. L'entreprise voulait aussi savoir de quelle façon elle pouvait se conformer à la loi sur l'inscription des concessions alors qu'il n'y avait aucun agent des terres du Dominion dans la région. Dans sa réponse, datée du 1^{er} juin, Pearce l'assurait qu'elle pouvait inscrire ses concessions auprès de l'agent le plus proche en Colombie-Britannique. Dans une lettre à Burgess, rédigée le même jour,

attention the other day, would require to be recorded under the Regulations approved by the Order-in-Council of the 7th March, 1884, "as they suppose, but those regulations are now about to be amended in some important particulars," and copies of them, as amended, should be forwarded to Messrs Phinney & Co., as soon as approved and printed.

I recommend that they be written to in that sense in the meantime.

I further submit, in accordance with the verbal understanding arrived at when I had the honour of discussing the subject with you the other day, that they should further be told that it is in contemplation to send a joint topographical and geological expedition to the Yukon country next season, and that you are at present in communication with the officers in charge of the topographical and geological branches of the Department with a view to the preparation during the summer, of a scheme for the accomplishment of this work.

We might further tell them that at the same time consideration will be given to the question of affording better facilities for the recording of their claims by miners in the Yukon territory.

Permit me, en passant, to remark that if a mineral Agent were appointed for the district referred to by Messrs. Phinney & Co., in addition to discharging the duties performed by Gold Commissioners in British Columbia he might also be appointed a Justice of the Peace, an official whom they represent it would be desirable to provide at once.

I have no doubt from the contents of the communication of Messrs. Phinney & Co., from the statements contained in the newspaper cuttings* which they enclose, as well as from the report of M^r Petroff[†] to the United States Government and a paragraph in President Cleveland's last message to Congress[‡] referring to the boundary between Alaska and British Columbia, that the Government of Canada would be justified not only in sending such an exploratory expedition as you have already agreed to equip and despatch, but also in appointing an officer who would act as mineral Agent, Collector of Customs and Collector of Inland Revenue for the Yukon District.

I propose devoting as much of my time and attention as I conveniently can during the summer to the collection of such information as may be had in the Library of Parliament, and other available sources, in regard to the region which forms the subject of this memorandum, and the boundary between it and the territory of Alaska, and shall report the result of my researches for your information at as early a day as possible.

Pearce indiquant qu'une augmentation de l'exploitation minière au Yukon semblait probable et qu'il serait préférable de nommer un agent officiel qui s'occuperait à la fois des douanes et de l'inscription des concessions minières. Toutes ces lettres se trouvent au dossier 61861.

⁷³ Order-in-Council/ Décret du Conseil 1884-443.

⁷⁴ Order-in-Council/ Décret du Conseil 1887-1976, approved on 5 October 1887/ approuvé le 5 octobre 1887.

⁷⁵ Two clippings from Seattle papers regarding the arrival of the schooner *Leo* with news from Sitka, Alaska, about "Yukon fever", copies in file 61861. Deux coupures de presse de journaux de Seattle concernant l'arrivée de la goélette *Leo* avec des nouvelles de Sitka, Alaska, sur la fièvre du Yukon. copies au dossier 61861.

⁷⁶ Ivan Petroff, *Report on the Population, Industries and Resources of Alaska* (Washington: Government Printing Office, 1884).

⁷⁷ "Annual Message to Congress, December, 1885," *Public Papers of Grover Cleveland, Twentieth-Sixth President of the United States March 4 1885 to March 4 1889* (Washington, DC: Government Printing Office, 1889), pp. 14-57.

Meantime, I respectfully request your authority to communicate officially with M^r Wrigley, Chief Trade Commissioner of the Hudson's Bay Company, asking him for any information which may be in the Company's possession, that would probably be of use to the Government in this matter.⁷⁸

I have the honour to be,

Sir,

Your obedient servant,

A.M. Burgess

Deputy of the Minister
of the Interior

43.

Letter from Assistant Director, Geological and Natural History Survey, to Minister of the Interior

Lettre du directeur adjoint, Commission de géologie et d'histoire naturelle, au ministre de l'Intérieur

LAC/BAC, RG 15, vol. 297, file/dossier 61861

Copy/ Copie

Ottawa, 12th Dec., 1887.

Hon. Tho^s White,
Minister of Interior

Sir,

I beg respectfully to ask your attention to certain points of importance in regard to the present condition of the Yukon Region, in which my exploration of the past summer was carried out:—

1. Customs Regulations. Attention has already been called to the anomalous condition of this part of the Dominion in respect to customs regulations by Capt. W. Moore and others.

In letters† addressed to me, of which copies (marked 1 and 2 respectively) are enclosed, Capt. W. Moore advocates the taking of such steps in regard to Customs as may facilitate the supply of miners on the Yukon from Victoria. Capt. Moore has I believe obtained some concession from the Government of British Columbia, for the establishment of a toll road by the Chilkoot or other pass to the navigable waters of the Lewis, and intends if possible to place a steamer or steamers on the Lewis. He is anxious to know what measures are likely to be taken in regard to Customs etc. before his departure from Victoria for the Yukon region in January or February next.

Should a Customs officer be placed on the upper Lewis, it would also be necessary to station one on the Yukon where it crosses the 141st Meridian, constituting the Eastern inland boundary of Alaska, and while such action may be desirable for the protection of the revenue, for the purpose of asserting some control over this important region by Government and for other reasons explained by Capt. Moore, it is doubtful whether the receipts above [alone?] would cover the cost of collection. It may also be pointed out that in the absence of any proper road or trail to the navigable waters of the Lewis, the miners find great difficulty in carrying into the country sufficient supplies for their support, and are generally obliged to pay from \$15 to \$20 per 100 lbs. to Indians who pack provisions

⁷⁸ Marginal note:/ Note marginale :
Approved. T. W[hite]

for them over the Mountain pass. As the miners are for the most part men of small means and as their supplies are for their own use and not for purposes of trade, it is perhaps unwise to burden them with any additional difficulties in the way of Customs charges on stuff carried in by this Route. This however need not be taken as an argument for the free admission of goods brought in by merchants up the Yukon River [...]

3. Administration of Justice. With the exception of the Commission held by M. W. Ogilvie D.L.S. there is no present provision for the administration of Justice in the mining region of the Yukon, and as M. Ogilvie will leave the district for the prosecution of his survey before the spring, there will be – unless steps are at once taken in the matter – no legal authority whatever in the region during the coming summer, when an influx of miners larger than ever before may be anticipated. It should be stated also that in consequence of the want of any route from the Yukon to the Cassiar district of British Columbia, persons held for trial, or criminals, can scarcely under present circumstances be brought out of the Yukon region except across the Coast strip of Alaska. This matter may possibly become of great importance at any moment.

4. Regulation and record of Mining Claims etc. In the present circumstances of the Yukon Country, this is so obviously a matter of first importance that it is scarcely necessary to enter into details concerning it. The miners who have so far visited the country have generally been of a law-abiding class and no serious disputes have arisen. Those on Forty Mile Creek last summer formed an association and appointed a recorder of claims. Questions have however already arisen with respect to the size of claims, and if a larger number of men enter the country next spring disputes will become of increasing frequency.

Possibly a single official might act as Mining Agent and Justice of the Peace, as has been frequently the case in British Columbia.

[...]

8. Mining regulations. Should no accredited Dominion Lands Agent be stationed next summer in the Yukon region, it might be well to consider the advisability of legalizing the formation of local associations of the miners as practiced in districts of British Columbia and in the United States.

[...]

9. Adoption of the name Yukon District. As the name of the Yukon River is now better known than any other in the region, and as it has not yet been appropriated as the name of any part of Alaska[,] it is suggested that it should be adopted for the region here under consideration. There is at the present time no acknowledged general name for this region, which is not only inconvenient, but leads to the inclusion of the whole in popular parlance under the name "Alaska". The application of a suitable name to the district will give to it a distinct entity which cannot fail to be of service in drawing attention to it and aiding in its speedy development. I would therefore suggest that it should be officially named the Yukon district. The natural boundaries of the district would be as follows:

To the South by the north line of British Columbia (Latitude 60°). To the West by Alaska. The North-eastern line would be formed by the watershed of the Rocky Mountains between streams flowing directly into the MacKenzie and those flowing to the upper Liard and Yukon, as far as the most North-eastern source of the Porcupine River. Thence a due north line to the Arctic Ocean.

The area of this district so defined would be considerably greater than that of the District of Alberta.⁷⁹

I have the honor to be,
Sir,
Your obedient servant,
[George M. Dawson]

44.

Letter from Deputy Minister of the Interior to Acting Minister of the Interior
Lettre du sous-ministre de l'Intérieur au ministre de l'Intérieur par intérim
LAC/ BAC, MG 26 D, vol. 117

Ottawa, 18th Nov., 1890.

Confidential

Dear Sir John,

You will doubtless be interested in perusing this answer⁸⁰ from the Colonial Office. For my own part, I think this is just "the time", when the Government at Washington are making surveys in the Alaska country, and when, as I understand, canning factories and other industries connected with the fishing are being established by Americans at the heads of the inlets all along the coast in what I believe to be in many cases Canadian territory.⁸¹ This is the kind of possession on the part of the Americans which, as you know, it will be very difficult, if not impossible, to disturb. Five years ago I recommended⁸² to the late Mr. White that some act of possession ought to be performed, and someone should be sent to the Yukon to act as Collector of Customs, Stipendiary Magistrate, Gold Commissioner, and so on; and if the right man were selected I felt quite positive that enough revenue could be collected during the summer to pay his salary and his expenses, with the advantage.

⁷⁹ Dawson forwarded a copy of this document to Frederick White on 19 December 1893 with the comment that/ Dawson a envoyé une copie de ce document à Frederick White le 19 décembre 1893, avec le commentaire selon lequel

since the date at which it was written, some of the circumstances have changed, but most of them unfortunately remain as they were. (LAC/ BAC, RG 18, vol. 89, file/ dossier 1894-97.)

⁸⁰ Lord Knutsford to Lord Stanley, 15 October 1890, LAC/ BAC, RG 7 G-21, vol. 82, file dossier 173.

The Canadian government wanted a joint Canada-United States survey of the Alaska boundary, but Knutsford reported that Lord Salisbury did not think it was a favourable time to raise the issue with the US government.

Le gouvernement canadien désirait un levé conjoint Canada-États-Unis de la limite territoriale de l'Alaska, mais Knutsford a indiqué que lord Salisbury ne jugeait pas le moment opportun pour soulever ce point auprès du gouvernement américain.

⁸¹ Otto Klotz, who had been sent to assess the situation in Alaska, reported the existence of a cannery at the head of the Lynn Canal, in what many Canadians (although not Klotz himself) considered to be Canadian territory. See Klotz to Burgess, 11 December 1889, attached to Order-in-Council 1890-158H (approved on 30 June 1890), LAC, RG 2, vol. 560.

Otto Klotz, qui avait été envoyé pour évaluer la situation en Alaska, a rapporté l'existence d'une conserverie à la pointe du canal Lynn, un endroit que de nombreux Canadiens (mais pas Klotz lui-même) considéraient comme se trouvant en territoire canadien. Voir Klotz to Burgess, 11 December 1889, joint au décret du Conseil 1890-158H (approuvé le 30 juin 1890), BAC, RG 2, vol. 560.

⁸² Burgess frequently referred to a recommendation made by him in 1885; however, no such document was located. He may have meant 1886. See doc. 42.

Burgess a souvent mentionné une recommandation qu'il avait faite en 1885; cependant, aucun document à ce sujet n'a été trouvé. Il pourrait avoir voulu dire 1886. Voir doc. 42.

when a settlement comes to be made with the United States, that we should have been actually possessing and administering the territory. I am afraid there is a disposition on the part of our Home Government to look upon this as a matter of little consequence. I believe that the mines and fisheries of that country will turn out in time to be exceedingly valuable, and that posterity would be as much justified in denouncing the present generation of Canadian statesmen if their apathy were to result in the loss of any part of this territory, as we feel ourselves justified in denouncing Lord Ashburton⁸³ and the English statesmen of his day.

Yours faithfully,

A.M. Burgess
D.M.I.

The Hon. Sir John S.D. Thompson, K.C.M.G.,
Acting for the Minister of the Interior,
Ottawa.

45.

Letter from Acting Minister of the Interior to Deputy Minister of the Interior
Lettre du ministre de l'Intérieur par intérim au sous-ministre de l'Intérieur
LAC/BAC, RG 15, vol. 570, file/ dossier 172667
Copy/ Copie

Ottawa, Nov. 27th, 1890.

Dear Mr. Burgess,

Referring to your confidential letter [...] dated 18th inst., I beg to say that I quite agree with you as to the danger of allowing the occupation which is now going on on our British Columbia border and I am inclined to think that vigorous measures should be adopted to prevent future misunderstanding on the subject of our boundary line there.

Yours sincerely,

[John S.D. Thompson]

A.M. Burgess, Esq., D.M.I.

⁸³ Alexander Baring, Baron Ashburton. The Ashburton-Webster Treaty of 1842 settled the boundary between the United States and British North America as far west as the Lake of the Woods. It was subsequently felt by Canadians that Ashburton had conceded too much territory along the Maine-New Brunswick border.

Le traité Ashburton-Webster de 1842 établissait la limite territoriale entre les États-Unis et l'Amérique du Nord britannique aussi loin à l'Ouest que le lac des Bois. Les Canadiens ont considéré par la suite qu'Ashburton avait cédé trop de territoire le long de la limite territoriale du Maine-Nouveau Brunswick.

For the text of the treaty, see: Pour le texte du traité, voir David Hunter-Miller, ed., *Treaties and Other International Acts of the United States of America*, vol. 4 (Washington: Government Printing Office, 1934), doc. 99.

46.

Letter from Deputy Minister of the Interior to Minister of the Interior**Lettre du sous-ministre de l'Intérieur au ministre de l'Intérieur****LAC/ BAC, RG 15, vol. 570, file/ dossier 172667****Copy/ Copie**

Ottawa, 19th December, 1890.

My dear Minister,

In your note on my memorandum⁸⁴ of the 1st instant on the Alaska Boundary question, you suggest that the matter should be brought to the attention of the Honourable Mr. Bowell by a letter from us. I respectfully suggest that that letter might enclose, first, a copy of my note to Sir John Thompson of the 18th of Nov., second, copy of his reply of the 27th of the same month, and third, copy of the following memorandum of facts, which I believe justify us in asking Mr. Bowell's cooperation. I would further suggest that a duplicate of this reference be made to the Minister of Inland Revenue.

As far back as 1885,⁸⁵ I had proposed to the late Minister of the Interior [Thomas White] a scheme for asserting the authority and exercising the jurisdiction of Canada in the territory which is clearly within the limits of the Dominion, along the Alaska Boundary. I think it might be well even at this late day to give effect to that scheme. The Americans are occupying the Heads of various Inlets along the coast for the purposes of Canning Factories and other Industries connected with the Fishing, and are in this relation importing into what is clearly Canadian Territory goods which are liable to duty; in fact, they are occupying the country as if it were their own. The Canadian Government is not asserting its authority in regard to the territory as if it had any right in or over it and in case of any dispute as to the ownership of the land, these facts would greatly militate against our claim. It does not appear anywhere in the correspondence, I believe, but it is a fact nevertheless that there will likely be a conflict between us and the United States in regard to the line from which the 10 Marine leagues from the coast to which the United States are entitled should be measured. In my memoranda to and all my conversations with yourself I have strongly urged that the general line of the coast is the line from which these distances should be measured, and that in delimiting this line the rule should be observed which was acknowledged in the draft of the Fishery Treaty agreed upon between the Governments of Great Britain and the United States which was not ratified by the United States Senate,⁸⁶ namely, that the country owning land fronting upon the sea has proprietary rights for a distance of 3 miles out into the sea. This would mean that except in cases, if there be any, where the inlets have a width at the mouth of more than 6 miles, the head of the inlet would be within the exclusive jurisdiction of Canada. With a view of bringing the question of ownership of these valuable inlets to a practical issue, I proposed to Mr. White that we should send an officer into the Alaska country who would act as Collector of Customs, Stipendiary Magistrate, Mining Commissioner, and Collector of Inland Revenue, especially demanding and requiring the payment of duty by all persons importing goods from foreign countries into any place which, applying the rule mentioned, would belong to Canada. An officer of this description would require to be selected carefully, and he would have to be endowed with good judgment and discretion, so that in an emergency his actions might not cause any unnecessary international complications. The duties which can be

⁸⁴ Not found./ Non retrouvée.

⁸⁵ See/ Voir doc. 44, footnote/ note en bas de page.

⁸⁶ The Chamberlain-Bayard Treaty. Le traité Chamberlain-Bayard. See/ Voir James White, *The North Atlantic Fisheries Dispute* (Ottawa: Commission of Conservation, 1911), pp. 7-9.

collected on the Yukon River alone would I think more than pay in fees the salary and expenses of an officer of this description for, as you are aware from Mr. Ogilvie's report, there are numerous Mining camps in operation in the Yukon Valley, which are clearly East of the 141st Meridian. For the use of these camps large quantities of dutiable merchandise are every year imported in the Yukon River Steamers from the United States, upon which not a cent of duty is paid to the Treasury of Canada, and the mines are taken up and their products exported without authority being even asked of the Government of Canada. I think it reasonable that the Departments of Customs, Inland Revenue, Justice and Interior should join in paying the salary and expenses of an officer who should act for them all, and if, as suggested, the right man can be obtained, I have no doubt that in the course of one season he could, without creating any ill feeling, bring the question of jurisdiction to such an issue as would result in an actual delimitation of the boundary at an early day in accordance with the Treaty of St. Petersburg. Meantime, the longer things go on as they are, the stronger do the claims of the United States become. Not only in my opinion, but in yours also, I understand, the fisheries of the Alaska Coast & the Minerals of the Upper Yukon are of such great value that it would be a lasting disgrace not to make every legitimate effort to preserve them to Canada and the British Crown.⁸⁰

Yours faithfully,

[A.M. Burgess]
D.M.I.

The Hon. E. Dewdney,
Minister of the Interior,
Ottawa.

47.

Letter from Deputy Minister of the Interior to Minister of the Interior
Lettre du sous-ministre de l'Intérieur au ministre de l'Intérieur
LAC/BAC, RG 15, vol. 570, file/ dossier 172667

Ottawa, 28th December, 1892.

My dear Minister,

Following up our conversation of last week in reference to the Peace River and Mackenzie River country, I send you the following extract from the letter⁸¹ written by Bishop Bompas to the Lieutenant Governor of Manitoba:-

"I think Herschel Island would be suitable for a permanent British Naval Station for exploration and observation, and as a centre for a Canadian whaling trade. At present the place is a permanent station for an American whaling vessel which winters there and spends the summer in whaling and sealing along the British coast, even east-ward of the Mackenzie.

⁸⁰ No further documents from 1890 or 1891 were found. From Burgess's subsequent letter to T. Mayne Daly (see next document), it would appear that the approach to Bowell was a failure. Aucun autre document de 1890 ou 1891 n'a été trouvé. D'après la lettre suivante de Burgess à T.

Mayne Daly (voir le document suivant), il semblerait que les démarches auprès de Bowell n'ont abouti.
⁸¹ Bompas to Schultz, 3 June 1892, copied extracts also in file F72667, extraits aussi au dossier F72667.

Spirits and also Rifles with ammunition are freely furnished from the vessel to the Esquimaux, but they seem shy of offering them to Indians who obtain the Rifles by trade from the Esquimaux. From this I conclude that the Esquimaux may be omitted from the proclamation⁸⁹ and perhaps from the Canadian laws⁹⁰ regarding intoxicating drinks and Rifles."

Lieutenant Governor Schultz has also sent me⁹¹ a copy of a letter received by him from Bishop Reeves of the Diocese of Mackenzie River, part of which is as follows:-

"It is a fact that the American Whaler[s] wintered near the mouth of the Mackenzie River - on Herschel Island: and I understand that they have been trading liquor and rifles with the Esquimaux, both of which are better out of the hands of those people, to say nothing of the unlawfulness of the traffic. I understand too that they sent a boat some distance up the Mackenzie, whether as far as the mouth of Peel's River or not I did not learn, to trade, and succeeded in carrying off a large quantity of furs from the Esquimaux. Some of the Good Hope Indians afterwards went to the mouth of the river for the purpose of trading with them, but with what result we have not yet heard."

I submit herewith a copy of a Report made by me to the Honourable Mr. Dewdney on the 19th December, 1890, and of the papers mentioned therein, setting out the details of the scheme which I had as far back as 1885⁹² proposed to the Minister of the Interior for asserting the authority and exercising the jurisdiction of Canada in the Territory which is clearly within the limits of the Dominion along the Alaska Boundary. I would ask that you give the suggestions made in this Memorandum your careful consideration, as applied to the Territory referred to in the present correspondence.⁹³

Yours faithfully,

A.M. Burgess

The Hon. T. Mayne Daly,
Minister of the Interior.

⁸⁹ See/ Voir *Canada Gazette*, 11 July 1891, pp. 47-48.

⁹⁰ The Indian Act forbade the sale of alcohol and ammunition to Indians; however, whether the Inuit were Indians as defined by the Act was not clear. Nevertheless, under the North-West Territories Act, any sale of liquor without a permit from the Lieutenant Governor was illegal.

L'Acte des Sauvages interdisait la vente d'alcool et de munitions aux Indiens; cependant, il n'était pas clair si, sur la base de la définition d'Indien dans l'Acte, les Inuits auraient été considérés comme des Indiens. Néanmoins, en vertu de l'Acte des territoires du Nord-Ouest, toute vente d'alcool sans permis émis par le lieutenant-gouverneur était illégale.

See/ Voir RSC/ SRC 1886 c. 43, ss./ art. 94-105, 113 and/ et c. 50, ss./ art. 92-100; 51 Vict. (SC 1888) c. 22; *Canada Gazette*, 22 August 1885, p. 294.

⁹¹ 15 October 1892, also in file/ aussi au dossier 172667.

⁹² See/ Voir doc. 44, footnote/ note en bas de page.

⁹³ These arguments seem to have convinced Daly that action should be taken. Ces arguments semblent avoir convaincu Daly que des mesures devaient être prises. See/ Voir doc. 49, marginal note/ note marginale.

48.

Letter from Bishop of Selkirk to Superintendent General of Indian Affairs
Lettre de l'évêque de Selkirk au surintendant général des Affaires indiennes
LAC/ BAC, RG 10, vol. 3906, file/ dossier 105378

S^t John's Mission, Upper Yukon River
9 May 1893

Sir/

I think it right to inform you of the danger to which the Indians of this neighbourhood are now exposed of complete demoralization for want of any police restraint upon the free and open manufacture and sale of intoxicating liquor among them.

About 200 Miners have passed the present winter in this immediate vicinity, in British Territory. The Indians have learnt from these to make whisky for themselves, and there has been drunkenness of whites and Indians together with much danger of the use of firearms.

Had blood been shed either on the part of Whites or Indians, there might have been an end to the peace and good will now happily subsisting between the races.

There is no Government authority of any sort here either on the British or American side. The Miners however in their own meetings enforce law and order, except in the matter of drink. The miners made some attempt at first to restrain the drinking among the Indians but not efficiently.

It is believed however that the miners would support the police in enforcing sobriety among the Indians, as conducing to their own protection. There might be more difficulty in checking the manufacture and sale of drink among the Whites and some Licences or Permits might have to be given.

There seems to be at present no jealousy of race between the English and American Miners here, and I cannot suppose that the American Government would raise any obstacle to Canadian Police being sent hither through American Territory. The step would in fact be in the interest of the American citizens who are most numerous here.

It would however be difficult to remove offenders hence elsewhere for punishment so that not only police but also [a] Magistrate and jail appear called for.

Regarding the gold, I think the mines at present worked are mostly on the American side, but I am not sure of this, having no right map of the country. Gold is being dug in some quantity on Stewart River, which is entirely on British Territory, and a scheme is on foot for introducing a Steam Dredge of large size, which would I suppose operate entirely in British waters.

The country is reported generally as one rich in gold. The yield of gold at the mines is good, and it is likely that the country will develop rapidly with [an] additional influx of miners.

You may probably wish to know what force of police would be considered adequate for the purposes required here. I should judge myself that the number of 10 would suffice. But the officer in charge of them might have authority to engage the assistance of other persons on emergency. I think there would always be some well disposed miners willing to take the part of the police.

The Indians here are quiet peaceable & agreeable. They have been baptized and profess Christianity. But in a time of excitement and if under the influence of liquor it is of course possible that a number might be induced to join in an attempt to resist the arrest of one, though I do not think it likely so to occur.

The next matter is the route by which the police should be sent and the possibility of their arriving before winter.

This letter will I hope reach you before the end of July⁹⁴ and arrangements should be made without a moments delay and as far as possible by Telegraph. The requisite force of police being detached from their headquarters at Regina or elsewhere should I suppose proceed at once to Victoria British Columbia. Thence I suppose they should be conveyed in some British Steam sloop that might be disengaged in Esquimault harbour or in some Steam Transport vessel chartered for the purpose to S^t Michaels at the mouth of the Yukon River. There are now several Steamers large and small running on the Yukon River some owned by the Alaska Commercial Co [of] San Francisco, one by the Russian Mission and one by the French Mission. I think it probable that one of these Steamers could be engaged to convey the Police hither in case they missed passage by the regular Summer Trading Steamers.

The British have treaty rights of passage up the Yukon River, and I cannot suppose that any attempt would be made to exclude the police. I conclude that the police could well reach Victoria British Columbia by the middle of August, and S^t Michaels from thence before the end of August. I hope that by leaving S^t Michaels by the 1st Se[ptember] they would ensure a safe arrival here before the ice. Even in case of any unlooked for detention by the way the men might be forwarded hither in early winter by sledges. Stores of provisions for winter could be purchased at S^t Michaels or even here. Lodgings could be obtained here for the winter without the immediate necessity of erecting new buildings.

The other route of entering this country across the mountains from Juneau would be difficult for the men, and probably impossible for provisions in summer.

The question as to how far it would be possible to open up direct communication hither from British Columbia without entering American Territory is so far as I am aware still unsolved. The old Hudson Bay C^o route is certainly still available. This route would be by Stickeen River, Dease Lake, Dease River[,] Liard and Frances River, Frances Lake, Pelly River to Fort Selkirk and thence down the Yukon. The Hudson Bay Co formerly conveyed large boats and their cargoes of trading goods by that route and the same could doubtless be done again. But the passage is laborious with many portages and Dease River is very shoal and might be difficult to pass in the fall.

The best surviving guide for the old Hudson Bay route from Liard River hither would probably be Mr John Reid, formerly Chief Trader in the Hudson Bay C^o service and now I think residing near Winnipeg Manitoba.

The urgency of our need of Government interference must be my apology for thus addressing you freely and at length.

I am, Honorable Sir,
Your obedient humble servant
W.C. Bompas D.D.
Bishop of Selkirk

His Honor The Chief Commissioner of Indian Affairs [T. Mayne Daly]
Ottawa Canada

⁹⁴ The letter was not received in Ottawa until 26 August. 'La lettre n'a pas été reçue à Ottawa avant le 26 août.

49.

**Memorandum from Deputy Superintendent General of Indian Affairs to
Superintendent General of Indian Affairs**

**Note du surintendant général adjoint des Affaires indiennes au surintendant général
des Affaires indiennes**

LAC/BAC, RG 10, vol. 3906, file/ dossier 105378

Ottawa, 18th Sept., 1893.

The Honourable T. Mayne Daly,
Supt. General of Indian Affairs.

The undersigned begs to report that on the 26th ultimo a letter⁹⁵ was received from the Right Rev. W. C. Bompas, D.D., Bishop of Selkirk in the Upper Yukon District, N.W.T., in which His Lordship describes certain irregularities which had occurred in that region, owing to the manufacture and introduction of intoxicating liquor among the Indians and the instruction given by whites to the former in the method of manufacturing the same, and praying that a Police force be sent into the country with a view to the prevention of disorder.

A copy of His Lordship's letter was forwarded⁹⁶ to the Comptroller of Mounted Police immediately upon its receipt, with a view to the question of the sending of a Police force into the Yukon country being considered by the Minister who presides over that Branch of the Service; and on the 29th ultimo a copy of the Bishop's letter was also sent⁹⁷ to the Commissioner of Inland Revenue, in order that such steps as might be thought proper might be taken to suppress, if possible, the illicit manufacture of intoxicants in the country.

The undersigned is not aware that any further action can be taken by this Department in the matters complained of by the Bishop.⁹⁷

L. Vankoughnet
Deputy Supt. General of Indian Affairs.

⁹⁵ See previous document./ Voir le document précédent.

⁹⁶ See/ Voir LAC/ BAC, RG 18, vol. 89, file/ dossier 1894-97.

⁹⁷ Marginal note:/ Note marginale :

I V. Have a memo for Council prepared setting forth in extenso the letter of His Lordship Bishop Bompas & recommending that in view of the statements contained in his Lordships letter as to increasing population, manufacture of liquor, the development of mining lands & possibility of Customs laws being disregarded & smuggling extensively carried on, "that in the opinion of the undersigned for the better preservation of the peace, the regulating & controlling of the manufacture of liquor, the necessary superintendence of the mining regulations & the enforcement of the Customs Law of Canada & generally the establishment & maintenance of Canadian Institutions, a Commissioner should be appointed to visit & report upon the condition of affairs in that section, such Commr to be clothed with magisterial powers & having due authority to enforce all laws of Canada" We will bring up the whole matter in Council & we may be able to meet His Lordships wishes. T.M. D[aly] 25/9/93

On 22 November 1893, a memo making a less definite recommendation than the one suggested by Daly was submitted by the President of the Privy Council, who was in charge of the North West Mounted Police (see LAC, RG 2, vol. 3237, and next document). That the matter went forward in all was likely due to Daly's arguments in favour of action.

Le 22 novembre 1893, une note présentant une recommandation moins définitive que celle proposée par Daly a été soumise par le président du Conseil privé, qui était responsable de la Police à cheval du Nord-Ouest (voir BAC, RG 2, vol. 3237 et le document suivant). Selon toute vraisemblance, les arguments de Daly en faveur de la prise de mesures ont joué un rôle déterminant dans l'étude de cette question.

50.

Memorandum from President of Privy Council to Governor General
Note du président du Conseil privé au gouverneur général
LAC/ BAC, RG 2, vol. 636

[Ottawa]

On a Report[†] dated 22nd November 1893, from the President of the Council [W.B. Ives] stating that he has had under consideration a copy of a communication, dated 9th May 1893, from the Right Reverend W.C. Bompas, Bishop of Selkirk, urging, for the reasons therein set forth, the imperative necessity for a Magistrate, a force of Police, and a place of confinement for prisoners in the Upper Yukon District.

The Minister observes that Bishop Bompas states that about 200 miners passed the winter of 1892-93 in the Upper Yukon District, and the Indians have learned from them to make whiskey, which has resulted in the drunkenness of whites and Indians together, with much danger of the use of fire-arms.

That the miners are composed of both British and United States citizens, the latter being in the majority, but owing to uncertainty as to the exact location of the International Boundary it is not known, so far as relates to some of them, whether they are mining on the Canadian or the United States side of the line.

That there is no Government authority of any sort either on the British or United States side; that the miners in their own meetings enforce law and order, except in the matter of drink. Bishop Bompas, however, believes that they would support the Police in enforcing sobriety among the Indians, as being conducive to their own protection. He thinks that the force of Police to be sent should number 10, with an officer who should have authority to engage the assistance of other persons in emergency.

The Minister states that the District referred to by Bishop Bompas is several hundred miles North West of Edmonton. Great difficulties would be encountered in sending men and conveying stores through an unexplored and almost unknown country, and the expenses connected therewith would be very heavy, and independent of the large expenditure, the Dominion Government should not assume the responsibility of sending a small body of men so far away from supplies or re-enforcements until they have carefully considered the general question of the government of the enormous area of territory lying North of the Electoral Districts of Saskatchewan and Alberta. The doubt respecting the location of the boundary line should also cause hesitation, as an attempt to enforce Canadian laws might at any moment result in International complications.

The Minister recommends that Bishop Bompas be informed that his communication will receive the most careful consideration of the Canadian Government, but it is not possible to promise the immediate dispatch of either a Magistrate or a force of Police to the Upper Yukon District.

The Committee submit the same for Your Excellency's approval.

W.B. Ives

Approved⁹⁸
 29th Nov 1893
 Aberdeen

⁹⁸ Order-in-Council/ Décret du Conseil 1893-2344.

51.

Letter from Bishop of Selkirk to Minister of the Interior
 Lettre de l'évêque de Selkirk au ministre de l'Intérieur
 LAC/BAC, RG 15, vol. 570, file/dossier 172667

Buxton Mission, Upper Yukon River,
 9th December 1893

[T. Mayne Daly, Minister of the Interior]

Sir/

I addressed several Representations to the Canadian Government last year on the subject of the necessity of some police and Customs authority in this neighbourhood, but I have not as yet been favored with any reply from head quarters. Meanwhile matters are getting worse.

Already one nearly fatal brawl has occurred among the Whites with dangerous stabbing and shooting. I fear a repetition of this, and should Indians become involved the consequences may be yet more serious.

The Whiskey Trade and Manufacture are on a large scale. Many thousand dollars worth of whiskey has been imported in Contraband Trade from British Columbia the past season, and more I am told is now being fetched. This is sold here at about 10 times its price at the coast.

About 6 Drinking & Gambling Saloons are now running. One of them I hear changed hands lately for about \$3000. Whiskey Manufacture from Sugar & Molasses is also carried on unchecked on a large scale. In this the Indians are also involved. Last winter Whites & Indians, men and women passed nights of debauch drunken together with brawls and constant discharge of Rifles.

As most of the gold now passes into the hands of the Saloon keepers there is small room left for legitimate Trade. One of the American Traders here M^r Healy was formerly Deputy Marshal on the American side in Alaska and was active there in the suppression of the stills. I hear that he is to go outside this winter and that he hopes to obtain from the Canadian Government Police & Customs officers to restrain the Liquor Traffic here.

The reports from the Mines are favorable, not to say exciting and startling. [...] The prospects for next season are good, and a large influx of miners is expected perhaps 1000.

The Mines are mostly on the American side, but the access to them and the Stores and the chief wintering place of the miners are on the British side. There would be little hope of maintaining order without some Government authority on both sides of the Border.

[...]

Unless some restraint is placed on the Indians Manufacture and Traffic in whiskey I feel that I must myself leave the neighbourhood as the instruction of the Indians is [painful under?] present circumstances. Mr. Healy as Trader says also that he must leave unless some restraint is placed on the Liquor Trade [...]

I hope I have thus discharged my duty in placing in the hands of the Government information of the state of affairs here, and I hope my frequently repeated appeals will not at last pass unregarded.

I remain Sir

Your obedient servant

W.C. Bompas D.D.
 Bishop of Selkirk

52.

Letter from C.H. Hamilton to Minister of the Interior

Lettre de C.H. Hamilton au ministre de l'Intérieur

LAC/ BAC, RG 2, vol. 651⁹⁹

Russell House, Ottawa,
April 16th, 1894.

Hon. T.H. Daly,
Minister of the Interior,
Ottawa.

Dear Sir,–

I herewith submit for your kind consideration the following statement of facts concerning the state of affairs in the Yukon country. There is a great amount of whiskey smuggling and illicite manufacturing going [on] at Fort Cudahy and other points in the North West Territories, both by Whites and Indians and with a[n] unchecked continuation of the same, there is sure to be trouble between them.

Our country is settling up very fast now, with miners and others, and the outlook for gold there is very encouraging. On Miller Creek alone, which is the richest in the country, there was nearly a quarter of a million dollars taken out last summer.

We are very much in need of a Collector of Customs, Collector of Internal Revenue, and some Police protection, and in my opinion the amount of revenue that would come to the Government from the duties on merchandise alone, going into that country would be more than sufficient to pay for all the expenses of the above officers.

I would also suggest that you license the liquor traffic there among the Whites, as it would be next to impossible to keep it from them, and a better way would be to have it under Government protection. It would then be very little trouble to break up the illicite business, and keep it from the Indians.

There are two ways of getting into our country, one is by our line of steamboats from Vancouver, by the Behring Sea and up the Yukon, and the other by way of Juneau and across the mountains and down the Yukon River. This latter route involves considerable hard work, and the cost would be nearly the same as going by boat all the way. I have furnished the Hon. Controller of Police with estimates as to the cost of getting into the country by our boats, and also the cost of the maintenance of the men after getting their [*sic*].

I cannot urge on you too strongly the necessity of immediate action in this matter. The United States Government are sending Customs officers in there this year, and unless your government does the same we will be compelled to buy all our merchandise in the United States. While if you send officers there we will buy in Canada. There will be in the neighborhood of 1,000 tons of merchandise sent into the Yukon by both of the Trading Companies there, this coming summer.

Any delay in sending police in there, may result seriously, as there is no telling what time the Indians will break out if they are allowed an unlimited amount of liquor, as they have at present.

⁹⁹ Attached to Order-in-Council 1894-1201./ Jointé au décret du Conseil 1894-1201.

Any further information you may want, concerning the Yukon, I will gladly furnish you.

Trusting this will have your early attention,

I remain,

Very respectfully,

C. H. Hamilton
Secy. & Asst. Manager
North American Transportation
& Trading Company.
Ft. Cudahy, N.W.T.

53.

Memorandum from Minister of the Interior to Privy Council

Note du ministre de l'Intérieur au Conseil privé

LAC/BAC, RG 2, vol. 3247

Ottawa, 18th April, 1894.

To His Excellency the Governor General in Council:

Adverting further to the Order of Your Excellency in Council, dated the 29th November last, P.C. 2344, based upon the recommendation of the Honourable the President of the Privy Council, having reference to the Upper Yukon District, the undersigned has the honour to submit a letter¹⁰⁰ which he has just received from Mr. C. H. Hamilton, Secretary and Assistant Manager of the North American Transportation and Trading Company, and also two letters¹⁰¹ addressed to the undersigned by the Right Reverend Dr. Bompas, Bishop of Selkirk, having reference to the same subject.

The undersigned has given this subject his careful consideration, and has come to the conclusion that in the interests of the peace and good government of that portion of Canada, and in the interests also of the public revenue, it is highly desirable that immediate provision be made for the regulation and control of the traffic in intoxicating liquor, for the administration of lands containing the precious metals, for the collection of Customs duties upon the extensive imports being made into that section of Canada from the United States with the view of supplying the miners, for the protection of the Indians, and for the administration of justice generally. He therefore recommends that the Honourable the President of the Privy Council be authorized to despatch, with all convenient speed, an Inspector of Mounted Police, with five men, to take possession of the territory, and that the officer commanding this detachment be vested with full power and authority to act for all the Departments of the Government in respect of such business as may arise within the territory affecting them or any of them.

Respectfully submitted,

T. Mayne Daly
Minister of the Interior.

¹⁰⁰ Doc. 52.

¹⁰¹ Docs 48, 51.

54.
Memorandum by Comptroller, North-West Mounted Police
Note du contrôleur, Police à cheval du Nord-Ouest
*LAC/ BAC, RG 2, vol. 651*¹⁰²

Ottawa, 2nd May 1894.

MEMO RE THE PROPOSED DESPATCH OF MOUNTED POLICE TO THE YUKON DISTRICT.

[...]

The Report to Council¹⁰³ of the Hon. the Minister of the Interior recommends that immediate provision be made for the regulation and control of the traffic in intoxicating liquor; for the administration of lands containing the precious metals; for the collection of Customs duties upon the extensive imports being made into the Yukon District from the United States; for the protection of the Indians, and for the administration of justice generally; and that an Inspector of the Mounted Police, with five men, be despatched to take possession of the territory, such Officer to be vested with full power and authority to act for all the Departments of the Government, in respect of such business as may arise within the territory affecting them or any of them.

It will be desirable to clearly define the authority of the Officer with respect to mining claims, Customs duties, and the traffic in intoxicating liquor.

No mining regulations of any kind have been enforced in the past, and it may be found that some miners have taken up larger areas than the law permits. In fact, it is held that the general regulations would not apply to that District for the reason that the surface of the ground is covered with a heavy moss, and owing to the shortness of the working season (about 4 months), and the severity of the Winter, the first year's work of a miner is taken up exposing his claim, and to be enabled to work profitably he should be allowed two or three claims, working at them alternately, as the location, nature of the surface, or other circumstances permit.

With respect to Customs, the Officer should be instructed whether he is to examine the books of Traders and collect duties on goods imported into Canadian territory during recent years, or collect only on importations arriving after he has established himself in the District.

It is reported that a River boat laden with goods intended for the Canadian trade has been frozen up on the Yukon River during the past Winter. Are duties to be collected on this cargo?

Then with regard to the sale and manufacture of liquor. Hitherto it has been imported into, or manufactured in the country, and sold without restriction. The miners apparently wish to have liquor themselves, but desire it to be kept from the Indians. Would the Police enforce the prohibitory clauses of the N.W. Territories Act, and destroy all liquor found in the District, unless covered by a permit of the Lieut. Governor of the North West Territories[?]

With the exception of Customs duties, the revenue from this District will be very small. It would cost between \$15,000 and \$20,000 per annum to establish a mail service.

¹⁰² Attached to Order-in-Council 1894-1201./ Jointe au décret du Conseil 1894-1201.

¹⁰³ Doc. 53.

Personally the undersigned would be glad to see the usefulness of the Mounted Police extended to the opening up and development of this distant region, but he has doubts whether a Police Officer, with only five men to enforce his authority, would be met in a proper spirit by between three and four hundred miners who hitherto have respected no laws except those of their own making. He therefore respectfully suggests for the consideration of the Minister whether it would not be better, in the first place, to despatch an official, who might, if deemed desirable, be an Officer of the Mounted Police, but styled and known as "Agent of the Dominion Government", with one carefully selected man to act as his clerk. A reliable Non-Commissioned Officer of the Police Force could be chosen for this duty.

This official could be clothed with all the powers and authorities, as recommended in the report of the Hon. the Minister of the Interior, and his clerk, in case of necessity, could act as constable. The Dominion Agent might also be appointed a Commissioner under chapter 184 of the Revised Statutes, "An Act respecting the Police of Canada".

The Agent, with his clerk, could proceed, via the Chilkat route, and be on the spot to collect Customs duties on all importations arriving in the Yukon District during the season of navigation; he could also discreetly, but without risk of complications, exercise the powers conferred upon him by his several commissions, and towards the end of the season report on all subjects with suggestions and recommendations, thus placing the Government in possession of information upon which further development of a system of government in the Yukon District could be based.

Respectfully submitted,

Fred' White
Comptroller.

55.

Letter from Comptroller, North-West Mounted Police, to President of Privy Council
Lettre du contrôleur, Police à cheval du Nord-Ouest, au président du Conseil privé
LAC/BAC, RG 18, vol. 100, file/dossier 1895-17
Copyp/ Copie

[Ottawa,] 2nd May 1894

Private

Dear Mr. Ives,

I send you a memo¹⁰⁴ re the proposal to despatch Police to the Yukon District.

So far as the Mounted Police are concerned it is simply a matter of dollars and cents, but I would suggest your serious consideration of the concluding paragraphs of my memo. If the Mounted Police formally take possession of the District, will not the Government be committed to keep them there permanently, and, if necessary, increase their strength, no matter what the cost may be?

On the other hand a Government Agent, while collecting Customs duties and issuing mining licenses, could also quietly feel the pulse of the miners and ascertain whether they would be disposed to support him in carrying out the criminal and other laws of the country. If he found them to be law abiding, he could swear in constables, and generally exercise the powers conferred upon him by his commissions[,] if otherwise, he could come out of the country at the end of the season, ostensibly to report to his Government and

¹⁰⁴ Doc. 54.

obtain instructions for the next season. The Government would thus be free to leave the miners to squabble amongst themselves, or send in a larger force next Spring.

Yours faithfully,

[Frederick White]

The Hon. W.B. Ives,
President of the Privy Council,
Ottawa.

56.

Memorandum from Acting President of Privy Council to Governor General

Note du président par intérim du Conseil privé au gouverneur général

LAC/ BAC, RG 2, vol. 651

[Ottawa]

On a Report dated 18th April 1894, from the Minister of the Interior, submitting, in connection with the Minute of Council of the 29th November last, in reference to the upper Yukon district[,] a letter which he has received from M^r C.H. Hamilton, Secretary and Assistant Manager of the North American Transportation and Trading Company, and also two letters addressed to him by the Right Reverend D^r Bompas, Bishop of Selkirk.

The Minister desires to state that in the interests of the peace and good government of that portion of Canada, [and] in the interests also of the public revenue, it is highly desirable that immediate provision be made for the regulation and control of the traffic in intoxicating liquor[;] for the administration of lands containing the precious metals[;] for the collection of Customs duties upon the extensive imports being made into that section of Canada from the United States, with a view of supplying the miners[;] for the protection of the Indians[;] and for the administration of Justice generally.

The President of Council, to whom was referred the report of the Minister of the Interior, submits the accompanying memorandum from the Comptroller of the North West Mounted Police, dated 2nd May, 1894, in which he concurs and he (the President) recommends that he be authorized to despatch, with all convenient speed, an Inspector of Mounted Police, to be styled "Agent of the Dominion Government" with one non-commissioned officer of the Police Force, to act as his clerk and in cases of necessity as a constable, to take possession of the territory and that the said Agent be vested with full power and authority to act for all the Departments of the Government, in respect of such business as may arise within the territory affecting them or any of them.

The Minister further recommends that the said Agent be appointed a Commissioner under Chapter 184 of the Revised Statutes "An Act respecting the Police of Canada", and that he and his clerk proceed, via the Chilkat route, and be on the spot to collect Customs duties on all importations arriving in the Yukon district during the season of navigation, and that he be authorized to exercise, discreetly, but without risk of complications, the powers conferred upon him by his several commissions and towards the end of the season report on all subjects with suggestions and recommendations, thus placing the Government in possession of information upon which further development of a system of Government in the Yukon district could be based.

The Committee submit the same for Your Excellency's approval

Jno S.D. Thompson

Approved¹⁰⁵
26th May 1894
Aberdeen

57.

Draft Letter from Comptroller, North-West Mounted Police, to Commissioner
Projet de lettre du contrôleur, Police à cheval du Nord-Ouest, au commissaire
LAC/BAC, RG 18, vol. 100, file/ dossier 1895-17

Ottawa, May 26 1894

Sir,

I am directed by the Hon the President of the Privy Council to inform you that the Government have had under consideration the present condition of the Upper Yukon District, and, as a preliminary step in the direction of extending thereto the system of government which prevails in other parts of the Dominion, have decided to send an Agent to that District, who in addition to acting for the Customs, Interior, Inland Revenue, and other Departments, will also have the powers and authority of a Justice of the Peace and Police Officer.

I am further to advise you that Inspector C. Constantine, of the N W M. Police, has been selected for this duty, and that he will be allowed to take with him one member of the Force to act as clerk, and constable if required.

Inspector Constantine will personally receive instructions from the several Departments for which he will be authorized to act, and, in all matters of routine and returns, he will report direct to the Departments interested.

With regard to the preservation of law and order, the Yukon District has hitherto been without any form of government, the inhabitants are principally of the mining class, and the mining operations are reported to be in the vicinity of the International Boundary. These conditions, together with the fact that Inspector Constantine will have to depend upon the support of those in the District, will demand most careful judgment and discretion on his part. In the event of his finding a disposition to resist authority, he will abstain from exercising his Magisterial and Police powers until he has reported the condition of affairs for the consideration and instructions of the Government.

It is important that he should reach the Yukon country at the earliest possible moment, and, with that object in view, he should endeavour to catch the Pacific Coast Steamship Company's boat which will leave Victoria for Juneau on the 12th June. From Juneau he should work his way, by the most direct route, to Fort Selkirk and establish his headquarters either there or at Fort Cudahy, whichever he may find most convenient.

He will avail himself of every opportunity of forwarding returns and reports to the different Departments; also a general report, on all matters, for the information of the Hon the President of the Privy Council.

¹⁰⁵ Order-in-Council/ Décret du Conseil 1894-1201.

He will be permitted to exercise his own discretion as to whether it will be in the public interest for him to remain in the Yukon District next Winter, or return to Ottawa at the end of the present season and report personally for the consideration of the Government.¹⁰⁶

I have the honour to be,

Sir,

Your obedient servant,

[Frederick White]

Comptroller.

The Commissioner [L.W. Herchmer],
N.W.M. Police,
Regina, N.W.T.

58.

Memorandum from Deputy Minister of Justice to Minister of Justice

Note du sous-ministre de la Justice au ministre de la Justice

LAC/ BAC, RG 15, vol. 264, file/ dossier 37906

Copy/ Copie

Ottawa, 2nd June, 1894.

MEMORANDUM FOR THE MINISTER.
RE ORGANIZATION OF THE NORTH WEST TERRITORIES

The first Canadian Legislation is 32-33 Victoria, Chapter 3, which recites that it is probable that Her Majesty may, pursuant to "The British North America Act" be pleased to admit Rupert's Land and the North Western Territory into Canada, and that it is expedient to prepare for such transfer and make temporary provision for the civil Government of such territories. Section 1 of this Act provides that the said Territories (which evidently include what is described in the recital as Rupert's Land and the North Western Territory) when admitted into Canada shall be styled and known as "The North West Territories". The Act then proceeds to provide that the Governor in Council may appoint a Lieutenant Governor and provide for the administration of justice &c in the Territories.

We start, therefore, with the statutory description of Rupert's Land and the North Western Territory under the name of "The North West Territories". Then comes the Order of Her Majesty in Council of the 23rd of June, 1870, printed in the Statutes of Canada, 1872, page LXI *et seq* by which it is ordered that from and after the 15th of July, the North Western Territory shall be admitted into Canada, also that Rupert's Land shall be admitted into Canada upon the terms and conditions set forth in the Order in Council, and by the deed of surrender of the Hudson's Bay Company to the Canadian Government[,] the Company surrendered all its rights of Government and other rights, franchises and privileges granted to the Company under its letters patent from King Charles II, and all

¹⁰⁶ Marginal note:/ Note marginale :

[Approved.] W.B. I[ves]

Constantine's orders (of which there does not appear to be a copy in either government files or his personal papers) were based on this document. A handwritten note on the copy sent by White to Herchmer states that the latter had nothing to add to the instructions. Les ordres à Constantine (dont il ne semble pas exister de copie dans les dossiers du gouvernement ou ses documents personnels) étaient fondés sur ce document. Une note manuscrite sur la copie envoyée par White à Herchmer indique que ce dernier n'avait rien à ajouter aux directives. See/ Voir LAC/ BAC, RG 18, vol. 1318, file/ dossier 1894-212.

similar rights which had been exercised by the Company in any part of British North America not forming part of Rupert's Land, and all the lands and territories within Rupert's Land except certain trading posts with the lands attached thereto which are mentioned in the schedule of the Deed of Surrender. It is to be observed that these trading posts which are excepted from the grant include lands in what is termed the Northern Department of Rupert's Land, including English River, Saskatchewan, Red River &c[.] the Southern Department of Rupert's Land including Albany, East Main &c[.], the Montreal Department of Rupert's Land including Labrador[.], and the Northern Department of the North West Territories including Athabaska and the Mackenzie River, these lands amounting in all to 45,160 acres. The Hudson's Bay Company, therefore, professed to grant under the description of Rupert's Land not only lands which now form the District of Keewatin and portions of the North West Territories, west of the western boundaries of Keewatin, but also lands about Hudson's Bay and to the eastward of Hudson's Bay, and it appears to be clear that all the lands about Hudson's Bay and inland therefrom to an extent I am not at present able to define were included in Rupert's Land under the Charter of the Hudson's Bay Company.

See the following description of what was originally granted to the Company as Rupert's Land by its Charter of the 2nd of May, 1670, on Page 344 of the "Ontario Boundaries Case" before the Privy Council, 1884.

"And to the end the said Governor and Company of Adventurers of England trading into Hudson's Bay may be [en]couraged to undertake and effectually prosecute the said design[,] of Our more especial grace, certain knowledge and mere motion, WE HAVE given, granted and confirmed, and by these presents, for US, OUR Heirs and Successors, DO give grant and confirm, unto the said Governor and Company, and their successors, the sole trade and commerce of all the seas, straits, bays, rivers, lakes, creeks and sounds, in whatsoever latitude they shall be, that lie within the entrance of the straits, commonly called Hudson's Straits together with all the lands and territories upon the countries, coasts and confines of the seas, bays, lakes, rivers, creeks and sounds aforesaid, that are not already actually possessed by the subjects of any other Christian Prince or State, with the fishing of all sorts of fish, whale[s], sturgeons and all other royal fishes in the seas, bays, inlets and rivers within the premises, and the fish therein taken, together with the royalty of the sea upon the coasts within the limits aforesaid, and all mines royal, as well discovered as not discovered, of gold, silver, gems and precious stones, to be found or discovered within the territories, limits and places aforesaid and that the said land be from henceforth reckoned and reputed as one of our plantations or colonies in America, called 'Rupert's Land'."

Note:

By the Treaty of Utrecht, 1713, it is stipulated that France shall restore to Great Britain the Bay and Straits of Hudson, together with all lands, seas, seacoasts, rivers and places situate in the said bay and straits and that belong thereunto, and it is agreed that the limits between that territory and the territory retained by France shall be established within a year by Commissaries to be named by each party. It is stated in Houston's Constitutional Documents of Canada that the boundary was never determined by the Commissaries appointed under the Treaty of Utrecht and it remained unsettled until Canada became a British Province; that there was then no pressing reason for defining it and it remained undetermined until it was defined by the Imperial Act of 1889, 52-53 Victoria, Cap. 28.¹⁰⁷

¹⁰⁷ *Statutes, Documents and Papers bearing on the Discussion respecting the Northern and Western Boundaries of the Province of Ontario* (Toronto: Hunter, Rose, 1878), p. 33.

¹⁰⁸ Canada (Ontario Boundary) Act.

which settled the Northern Boundary of Ontario (See Pages 2 and 6 of Houston's Constitutional Documents of Canada).¹⁰⁹

It may be, therefore, that the entire portion of Canada north of the Northern Boundary of the Province of Quebec and East of Hudson's and James Bay would come under the description of Rupert's Land. At all events it is clear that a very considerable portion of that territory was Rupert's Land, and by reference to the map it will be seen that portions of this very territory were reserved out of Rupert's Land by the Deed of Surrender of the Hudson's Bay Company for its trading posts.

By 38 Victoria, Chapter 49, the laws respecting the North West Territories were consolidated and amended and that Act contains the definition of the North West Territories which is still retained in the Revised Statutes of Canada, Chapter 50. The provision is that the territories formerly known as Rupert's Land and the North Western Territories shall continue to be styled and known as the North West Territories. The Keewatin Act was passed in the following year, 39 Victoria, Chapter 21, which appears to have carved a section out of the North West Territories as so defined with its Western boundary running northward from the northerly end of Cedar Lake and the eastern boundary running northward from the western boundary of the Province of Ontario beginning at the International Boundary Line. These limits were afterwards altered after the settlement of the [Ontario] boundary dispute. The western boundary appears to have remained the same while the eastern boundary now is a line produced north from the intersection of the western boundary of Ontario with the International Boundary Line to a point where it intersects the western shore of Hudson's Bay. The effect of the constitution of the District of Keewatin, therefore, must be to divide the territory organized under the North West Territories Act, leaving one portion to the West and the other to the east of Keewatin, and as it stands now, it will appear by reference to the map that there are what may be regarded as three sections of the North West Territories:

- (1) That section west of the District of Keewatin
- (2) The section east of Keewatin and west of Hudson and James Bay, and
- (3) That section which is east of Hudson's and James Bay.

Then follows the Order of Her Majesty in Council of the 31st of July, 1880, whereby "all British territories and possessions in North America, not already included within the Dominion of Canada, and all islands adjacent to any of such territories or possessions shall (with the exception of the colony of Newfoundland and its dependencies) become and be annexed to and form part of the said Dominion of Canada; and become and be subject to the laws for the time being in force in the said Dominion, in so far as such laws may be applicable thereto". (See Order in Council printed in Canadian Statutes of 1881, page IX).

It would appear to have been assumed that all of the mainland to the eastward of Hudson and James Bays had passed to Canada under the Order in Council of 1870, and it would appear that the occasion for the Order in Council of 1880 arose from doubts existing regarding the northern and north-easterly boundaries of the North West Territories and Rupert's Land.¹¹⁰ the immediate reason being the discovery of minerals in the vicinity of

¹⁰⁹ William Houston, *Documents Illustrative of the Canadian Constitution* (Toronto: Carswell, 1891).

¹¹⁰ Newcombe failed to consider what the limits of the North-Western Territory were, thus missing the possibility that more territory outside Rupert's Land had been included in the 1870 transfer than was usually thought to be the case. Newcombe a oublié de tenir compte des limites du Territoire du Nord-Ouest, ignorant ainsi la possibilité que plus de territoire en dehors de la Terre de Rupert ait été inclus dans le transfert de 1870 que ce que l'on croyait habituellement. See Voir doc. 10, footnote note en bas de page 21.

Cumberland Sound (See resolution and debate with regard to the northerly boundaries of Canada, in the House of Commons Debates 1878, page 2386 et seq.)

The authority for the admission into Canada of Rupert's Land and the North Western Territory is section 146 of "The British North America Act" and by an Imperial dispatch (confidential) of the 18th of April, 1879, Number 106, the Governor General is advised that, in the opinion of the Law Officers of the Crown, Her Majesty might by Order in Council annex the Territories in North America belonging to the Crown which were not included in the Dominion of Canada to that Dominion and that if such annexation were effected the provisions of "The British North America Act" of 1871, 34-35 Victoria, chapter 28, would give, after annexation, to the Government and Parliament of Canada full executive and legislative authority over the territories and islands in question. Whether the Order in Council of 1880 applied to territory other than the islands about Hudson's Straits and upon the northeast coast of Canada depends upon the limitation of Rupert's Land and the North West Territories, and nothing appears to have been put forward at the time to suggest that there was any further territory not transferred by the Order in Council of 1870.

It appears to me quite possible, however, that a proper definition of the limits of Rupert's Land might not coincide southerly with the northern boundary of Quebec, and that there might be an area between these two boundaries as to which the Order in Council of 1880 would[,.] under the opinion of the Law Officers of the Crown, operate.

My conclusion is that whatever territory there was for the Order in Council of 1880 to operate upon would still be unorganized, but with that exception it would seem that all Canada outside of the Provinces is now organized under the North West Territories Act and "The Keewatin Act", the limits of Keewatin being, as I have pointed out, defined. Probably the only unorganized territories consists of the islands to the northeast with possibly the area between Rupert's Land and Quebec above referred to.

[E.L. Newcombe]

The original of this memorandum has not been located, and the only indication of why it was written is contained in a letter from Newcombe to Burgess, 11 December 1896. The letter suggests that in 1894 Newcombe had been asked to determine how much territory remained "unorganized" and whether any action was needed either to define its boundaries or to provide for its administration. According to Newcombe, when Sir John Thompson read the memo, he "was of opinion that no legislation was then required." This letter is also in file 37906.

L'original de cette note n'a pas été retrouvé et l'unique indication du motif de sa rédaction se trouve dans une lettre de Newcombe à Burgess, 11 décembre 1896. Cette lettre laisse entendre que, en 1894, Newcombe avait été chargé de déterminer la superficie du territoire encore non organisé et si des mesures à prendre, le cas échéant, pour en définir les limites territoriales ou en assurer l'administration. Selon Newcombe, lorsque sir John Thompson a lu la note, il a été d'avis qu'aucune loi n'était alors requise. Cette lettre se trouve aussi au dossier 37906.

59.

Memorandum from Comptroller, North-West Mounted Police, to President of Privy Council

Note du contrôleur, Police à cheval du Nord-Ouest, au président du Conseil privé
LAC/ BAC, RG 18, vol. 100, file/ dossier 1895-17

Ottawa, 24th October, 1894.

The undersigned submits for the consideration of the Hon. the President of the Privy Council [W.B. Ives] the report¹¹² of Inspector C. Constantine of the N.W.M. Police on his recent mission to the Upper Yukon District.

Copies of this report have been forwarded to the Departments of Interior and Customs.

With regard to the Police, Inspector Constantine is of opinion that it would not be discreet to attempt to enforce the general laws of Canada, and punish offenders, particularly the prohibition of Liquor [*sic*] unless the Magistrate is supported by a force strong enough to assert itself against a combination of several hundred miners who, knowing the difficulties to be encountered in getting into the country, might be disposed to resist authority and set up a form of government of their own.

Police might be sent in next Spring via the Ocean route to the mouth of the Yukon and thence up the Yukon River, but if the Government decide to open up and organize the District, efforts should be made to develop one of the four routes across country directly North from Juneau. Of these the Taku Inlet would seem to be the most feasible.

The undersigned recommends that the Hon. the Minister of the Interior be asked to consider the advisability of having this Taku route, from the mouth of the Inlet to the waters of Teslin Lake, about 125 miles, examined by a surveyor and reported upon either during the present Autumn or early next Spring.

Respectfully submitted,

Fred^d White
 Comptroller.

60.

Letter from C.H. Hamilton to Minister of the Interior

Lettre de C.H. Hamilton au ministre de l'Intérieur
LAC/ BAC, RG 15, vol. 717, file/ dossier 378269

Fort Cudahy, Feby 1st 1895.

Hon. T. Mayne Daly,
 Minister of the Interior,
 Ottawa, Canada.

Sir:

Last year we brought to your attention the matter of some protection to be afforded our section of country.

¹¹² Copy attached to Order-in-Council. Copie jointe au décret du Conseil 1895-1492, LAC/ BAC, RG 2, vol. 678. Constantine's original report is in: Le rapport original de Constantine se trouve dans LAC/ BAC, RG 18, vol. 1318, file/ dossier 1894-212. There is a published version in *Report of the Commissioner of the North-West Mounted Police, 1894*, Sessional Papers, 1895, vol. 28-9, no. 15, pp. 70-85. Il existe une version publiée dans le *Rapport du Commissaire de la Police à cheval du Nord-Ouest, 1894*, Documents de la Session, 1895, vol. 28-9, n° 15, p. 75-93.

Things have been going from bad to worse this winter untill it has got so now that people in business have to submit to being controlled by Miners Meetings, which in this country are very different to what a miners meeting is supposed to be. What we desire is that you send in here a force of Police and a Stipendary Magistrate with power to settle all petty cases, for as it is now, we are entirely at the mercy of an arbitrary clique who dictate just what shall and shall not be done. If the store keepers do not give them an unlimited amount of credit, they will take goods by force and the men that are at the head of this clique are mostly a lot of worthless fellows who want to live off of others.

If we are not afforded some kind of protection here, it will be impossible for us to continue business and as we have all ready invested several hundred thousand dollars it would be a great loss to have to leave the country.

Trusting that you will see this matter in a favorable light and that you will take immediate action so that a force will be here by the coming summer.

We are

Very truly yours,

North American Transportation
& Trading Co.
By C.H. Hamilton
Secy. & Asst. Manager.

61.

Memorandum from Minister of the Interior to Privy Council

Note du ministre de l'Intérieur au Conseil privé

LAC/BAC, RG 2, vol. 3267

Ottawa, 14th May, 1895.

To His Excellency the Governor General in Council.

In the year 1887 the Hon. Thomas White, then Minister of the Interior, authorized the organization of an expedition having for its object the exploration of that region of the Northwest Territories of Canada which is drained by the Yukon River. The work was entrusted to Dr. George M. Dawson, now the Director of the Geological Survey, and Mr. William Ogilvie, the well known Explorer and Surveyor.¹¹³ [...]

The number of persons engaged in mining in the locality mentioned has steadily increased year by year since the date of Mr. Ogilvie's survey, and it is estimated that at the present time not less than one thousand men are so employed. This number it is certain will be greatly augmented during the current season for reports of the mineral wealth of the region have become widespread — reports which the geological observations of Dr. Dawson would indicate to be well founded. Incident to this mineral development there must follow a corresponding growth in the volume of business of all descriptions, particularly the importation of dutiable goods and the occupation of tracts of the public lands for mining purposes which according to the Mining Regulations are subject to the payment of certain prescribed dues and charges. The Alaska Commercial Company for many years subsequent to the retirement of the Hudson's Bay Company had a practical monopoly of the trade of the Yukon, carrying into the country and delivering at various points along the river — without regard to the international boundary line or the Customs laws and regulations of Canada — such articles of commerce as were required for the prosecution of the Fur Trade

¹¹³ See/ Voir doc. 41, footnote/ note en bas de page.

and latterly of placer mining, these being the only two existing industries. With the discovery of gold, however, came the organization of a competing company known as the North American Transportation and Trading Company, having its head-quarters in Chicago, and its Chief Trading and distributing post at Cudahy. This Company has been engaged in this trade for the past three years, and during the present season will despatch two ocean steamers from San Francisco to St. Michaels, at the mouth of the Yukon, the merchandise from which will at the last mentioned point be transhipped into river steamers and carried to points inland, but chiefly to the Company's distributing centre within Canadian Territory. Importations of considerable value, consisting of the immediately requisite supplies of the miners, and their tools, also reach the Canadian portion of the Yukon district from Juneau, in the United States, by way of the Taku Inlet, the Mountain passes, and the chain of water-ways leading therefrom to Cudahy. Upon none of these importations has any duty been collected, except a sum of \$3248.80 paid to Inspector Constantine last year by the North American Transportation and Trading Company and others, and it is safe to conclude, especially when it is remembered that the country produces none of the articles consumed within it except fresh meat, that a very large revenue is being lost to the public exchequer under existing conditions.

The Right Reverend W.C. Bompas, the Bishop of the Anglican Diocese of Selkirk, whose head-quarters and residence are situated near the place known as Cudahy, and who has devoted many years to the work of civilizing and christianizing the native Indian population of that remote district, has in a series of letters addressed to various persons, including the undersigned, called attention to the existence on a large scale of an illicit traffic in intoxicating liquors, and the unsatisfactory social conditions produced by the bringing together of so many men of different nationalities at a spot where the means of enforcing law and order and of protecting life and property are so insufficient. These representations have received the strongest confirmation from other reliable sources, among which may be specially mentioned the officers of the North American Transportation and Trading Company.

For the purpose of ascertaining officially and authoritatively the condition of affairs to which the correspondence referred to in the next preceding paragraph of this memorandum related, the Hon. the President of the Council, during the spring of last year, despatched Inspector Charles Constantine, of the Northwest Mounted Police Force, accompanied by Sergeant Brown, to Fort Cudahy and the mining camps in its vicinity; and a copy of the report¹¹⁴ made by Mr. Constantine on his return, bearing date the 10th of October, 1894 [...] establishes the substantial accuracy of the representations herein already referred to. [...]

The facts recited seem to the undersigned to clearly establish

(1) that the time has arrived when it becomes the duty of the Government of Canada to make more efficient provision for the maintenance of order, the enforcement of the laws, and the administration of justice in the Yukon country, especially in that section of it in which placer mining for gold is being prosecuted upon such an extensive scale, situated near to the boundary separating the Northwest Territories from the possessions of the United States in Alaska; and

(2) that while such measures as are necessary to that end are called for in the interests of humanity, and particularly for the security and safety of the lives and property of the Canadian subjects of Her Majesty resident in that country who are engaged in legitimate business pursuits, it is evident that under existing circumstances a large revenue which is

¹¹⁴ See/ Voir doc. 59.

justly due to the Government of Canada under its Customs, Excise, and Land Laws, and which would go a long way to pay the expenses of government, is being lost for the want of adequate machinery for its collection.

The undersigned therefore recommends, the Hon. the President of the Council concurring, that a detachment of twenty members of the Mounted Police Force, including officers, be detailed at as early a day as possible for service in that portion of the Northwest Territories to which this memorandum relates – the officer in command, in addition to the magisterial and other duties he may be required to perform by virtue of his office and under instructions from his own department, to represent where necessary – and until other arrangements can be made – all the Departments of the Government having interests in that region, and that particularly he be authorized to perform the duties of Dominion Lands Agent, Collector of Customs, and Collector of Inland Revenue, for which services he shall be paid, in addition to his salary, a commission of ten (10) per cent on all sums lawfully collected and satisfactorily accounted for.

[...] ¹¹⁵

Respectfully submitted,

T. Mayne Daly,
Minister of the Interior.

62.

Letter from Parliamentary Counsel to Assistant Under-Secretary of State for the Colonies

Lettre du conseiller parlementaire au sous-secrétaire d'État adjoint aux Colonies
TNA, CO 323/401

5, Whitehall Gardens, S.W.
May 22nd 1895

My dear Bramston

I enclose prints of the Colonial Boundaries Bill and Memorandum.

Yours truly,

H. Jenkyns

Enclosure 1: Memorandum by Parliamentary Counsel

Pièce jointe 1 : Note du conseiller parlementaire

Printed Copy/ Copie imprimée

COLONIAL BOUNDARIES BILL.
MEMORANDUM.

It appears from three reports[†] from the Law Officers, dated respectively the 25th August 1894, the 27th February 1895, and the 27th February 1895 [*sic*], that the law as to the alteration of the boundaries of colonies is as follows:–

1. Where an Imperial Act has expressly defined the boundaries of a colony or has bestowed a constitution on a colony within certain boundaries, territory cannot be annexed

[†] Approved by Order-in-Council 1895-1492 on 1 June 1895. Approuvée par le décret du Conseil, 1895-1492 le 1^{er} juin 1895. See/ Voir LAC/ BAC, RG 2, vol. 678.

to that colony so as to be completely fused with it, as *e.g.*, by being included in a province or electoral division of it, without statutory authority; because—

(a.) Any such annexation would be altering an Act of Parliament;

(b.) Colonial legislation cannot operate beyond the colony, and therefore cannot extend to the new territory until it is by some means made part of the colony.

II. But the Queen can, unless restrained by an Imperial Act, give to any such colony as above mentioned[,] and the colony can accept, the administration and government of any territory. The most solemn mode of such acceptance is colonial legislation.

In such a case the territory is not incorporated with and does not become part of the colony, but is only administered by the same government.

III. The same law appears to apply—

(a.) Where the boundaries have been fixed by Order in Council or letters patent issued in pursuance of statutory authority.*

(b.) Where the boundaries of a colony are altered by diminution.

IV. Where a colony, whether self-governing or not, has received a constitution by letters patent or Order in Council without any Imperial Act, it is competent for Her Majesty to grant, and for the colony to accept, variations of the constitution, and, amongst others, an enlargement or diminution of its territory. Of such acceptance a colonial Act is the most solemn expression.

V. An annexation, even if irregular in the outset, may possibly, if followed by a *de facto* incorporation for a long period of time, acquire, like other constitutional changes, validity through usage.

Any arrangement under II. or any variation (whether of enlargement or diminution) of territory under IV. can be varied in the same way in which it was made.

It follows from the above that certain annexations of territory by Order in Council and letters patent accompanied by Acts of the Colonial Legislatures are invalid. For instance

(a.) The annexation to Canada of all British territory in North America and of the adjacent islands by Order in Council of the 31st July 1880 (the limits of the Dominion having been fixed by the British North America Acts, 1867 and 1871).

(b.) The annexation to Queensland of all islands within 60 miles of the coast of Queensland by letters patent of the 30th of May 1872, and of certain islands in Torres Strait by letters patent of the 10th day of October 1878, and by Acts of the Colonial Legislature. (The above islands not having formed part of New South Wales, out of the territory of which Queensland was taken.)

(c.) The annexation to New Zealand of the Kermadec Islands by letters patent of the 18th of January 1887, and an Act of the New Zealand Legislature.

It is proposed by this Bill—

(1) to give to the Queen the same power of altering the boundaries of colonies fixed either by Act of Parliament or Order in Council or letters patent issued in pursuance of an Act of Parliament, as she has where the boundaries have been fixed without statutory authority;

(2) to provide that everything previously done shall be as valid as if this Act had previously passed.

It will be observed that the Bill applies only where the boundary has been fixed by or under an Act of Parliament, and does not touch the case where the boundaries have been already fixed by the prerogative power of the Queen.

The Bill does not require the consent of a colony to be previously obtained, it being presumed that in the case of self-governing colonies such consent always will be obtained. The objection to inserting the requirement of such consent is that technically the annexed territory (e.g., the islands above mentioned in the case of Queensland) are in law colonies before the annexation.

[]

H. Jenkins

[London,] 21st May 1895.

* *I.g.* 5 & 6 Vict. c. 76. Would it apply where boundaries were named in an Order in Council under 50 & 51 Vict. c. 54 s. 2?

Enclosure 2: Draft Bill

Pièce jointe 2 : Ébauche de projet de loi

Printed Copy/ Copie imprimée

Confidential.

58 Vict.

COLONIAL BOUNDARIES.

DRAFT OF A BILL TO

PROVIDE IN CERTAIN CASES FOR THE ALTERATION OF THE BOUNDARIES OF COLONIES.

WHEREAS doubts have arisen whether, in cases where the boundaries of a colony have been fixed either directly or by implication by an Act of Parliament or by any Order in Council or letters patent under an Act of Parliament, those boundaries can be altered without the authority of another Act of Parliament, and it is expedient to remove such doubts:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1 (1.) Where the boundaries of a colony have been fixed, either expressly or by implication, by an Act of Parliament or by any Order in Council or letters patent made or issued under an Act of Parliament, Her Majesty the Queen shall have [and be deemed always to have had] the like power of altering such boundaries as Her Majesty has where the boundaries have been fixed [*qu[er]y*] fixed without statutory authority]⁶ by Order in Council or letters patent made or issued under Her Majesty's prerogative.

(2.) Any Order in Council made, letters patent issued, or Colonial Act or Ordinance passed before the passing of this Act which affects the boundaries of a colony shall have full effect in like manner as if this Act had been previously passed [].

⁶ These phrases are enclosed in square brackets in the original. Ces passages sont entre crochets dans l'original.

⁷ For the final text, see Colonial Boundaries Act, 58-59 Vict. c. 34 (United Kingdom), assented to on 6 July 1895. Pour le texte définitif, voir le Colonial Boundaries Act, 58-59 Vict. c. 34 (Royaume-Uni), ayant reçu la sanction royale le 6 juillet 1895.

63.

Despatch from Secretary of State for the Colonies to Governor General
 Dépêche du secrétaire d'État aux Colonies au gouverneur général
LAC/ BAC, RG 7 G-3, vol. 10

Downing Street,
 29 May 1895.

Confidential.

My Lord,

I enclose the first proof¹¹⁸ of a Bill which I propose to introduce after Whitsuntide in order to place beyond question the power of Her Majesty to attach to certain British possessions other portions of Her dominions which are not within the jurisdiction of a Colonial Legislature: together with a copy of a Memorandum by the Parliamentary Counsel.

The Boundaries of New Zealand are fixed by Act of Parliament and the Law Officers having reported that it was not open to Her Majesty to add to the Colony by Letters Patent a small group of islands lying outside these boundaries, it became evident that by this reasoning doubt was thrown upon the sufficiency of the Order in Council of the 31st of July 1880 which annexed to Canada certain British territories and islands in North America, as well as on certain other Instruments affecting another Colony.

In order therefore to give validity to all such annexations in which it might be said that the exercise of Her Majesty's prerogative conflicted with the action of Parliament I have caused this Bill to be prepared, with the object of giving unquestioned validity to what has been done in the past and of enabling Her Majesty to deal with similar cases in the future.

It is possible that press telegrams giving an imperfect and incorrect version of the intentions of Her Majesty's Government might reach Canada as soon as the Bill is published and I have thought it as well to place you in a position to acquaint your Ministers beforehand with the true facts of the case.

The Memorandum is a Confidential paper not intended for publication, and as the Bill will be in all probability slightly altered before it is introduced, this proof should also be treated as Confidential.¹¹⁹

I have the honour to be,
 My Lord,
 Your Lordship's most obedient,
 humble servant,
 R.H. Meade
 For the Secretary of
 State [Lord Ripon]

Governor General, The Right Honourable The Earl of Aberdeen, P.C.
 &c. &c. &c.

¹¹⁸ Doc. 62, enclosure/ pièce jointe.

¹¹⁹ This despatch and the enclosures were forwarded to the Privy Council, which in turn sent them to the Department of the Interior. Cette dépêche et les pièces jointes ont été envoyées au Conseil privé qui à son tour les a envoyées au ministère de l'Intérieur. See/ Voir LAC/ BAC, RG 15, vol. 722, file/ dossier 384996. There is nothing in this file to indicate that the new legislation had any influence on the decision to proceed with the 1895 Order-in-Council (doc. 64). Rien dans ce dossier n'indique que la nouvelle loi a eu une quelconque influence sur la décision d'adopter le décret de 1895 (doc. 64).

64.

Memorandum from President of Privy Council to Governor General**Note du président du Conseil privé au gouverneur général****LAC/BAC, RG 2, vol. 657**

[Ottawa]

On a Report,⁷ dated 26 July, 1895, from the Minister of the Interior [T. Mavie Daly], submitting that it is expedient for the convenience of settlers in the unorganized and unnamed districts of the North West Territories and for postal purposes, that the whole of such Territories should be divided into provisional districts, and recommending that four such districts be established, to be named Ungava, Franklin, Mackenzie and Yukon.

The Minister further recommends that the boundaries of such districts shall be as follows:—

1. Ungava. The District of Ungava, (coloured brown on the map hereto attached) of indefinite extent, to be bounded as follows:—

On the North by Hudson Strait, on the West by the East Coast of Hudson Bay and James Bay, On the South, by the Province of Quebec, On the East by the boundary between Canada and the Dependency of Newfoundland, on the Coast of Labrador.

And with regard to the Islands in Hudson Strait, Hudson Bay and James Bay, it is to be understood that only those Islands which lie within a distance of three sea miles from the Coast are to be included in the District; all outside of this limit are to be under the control of the Dominion Government.

2. Franklin. The District of Franklin (coloured pink on the map hereto attached) of indefinite extent, to be bounded as follows:—

Beginning at Cape Best, at the entrance to Hudson Strait from the Atlantic; thence westerly, through said Strait, Fox Channel, Gulf of Boothia, Franklin Strait, Ross Strait, Simpson Strait, Victoria Strait, Dease Strait, Coronation Gulf, and Dolphin and Union Strait, to a point in the Arctic Sea, in longitude about 125° 30' west, and in latitude about 71° north; thence northerly, including Baring [Banks] Land, Prince Patrick Island, and the Polynia Islands; thence north-easterly to the "farthest of Commander [Albert] Markham's and Lieutenant Parr's sledge-journey" in 1876, in longitude about 63° west, and latitude about 83° 4' north, thence southerly through Robeson Channel, Kennedy Channel, Smith Sound, Baffin Bay, and Davis Strait to the place of beginning.

3. Mackenzie. The District of Mackenzie (coloured brown on the map hereto annexed) about 538,600 square miles in extent, to be bounded as follows:—

Beginning at the mouth of the most westerly channel of the Delta of Mackenzie River, at the Arctic Sea, in longitude about 136° 22' West (from Greenwich) and latitude 68° 54' North; thence southerly, along the eastern boundary of the District of Yukon to the 60th parallel of north latitude, thence due east on said parallel, for a distance of about 17 miles, to its intersection with the 120th meridian, thence due east, on the 32nd Correction Line of the Dominion Lands System of Township Surveys (very nearly on the 60th parallel) for a distance of about 790 miles, to its intersection with the

⁷ Daly's original memo, in LAC, RG 2, vol. 3274, includes a Department of the Interior file reference (37906). See Introduction. La note originale de Daly, dans BAC, RG 2, vol. 3274, fait référence à un dossier (37906) du ministère de l'Intérieur. Voir l'introduction.

¹²¹ Map 4 is based on this map./ La carte 4 se fonde sur cette carte.

¹²² This journey was made during the 1875-1876 British expedition led by Sir George Nares. Ce voyage a été effectué pendant l'expédition britannique de 1875-1876 dirigée par sir George Nares.

100th meridian; thence due north, on said meridian, for a distance of about 530 miles, to the Arctic Coast and termination of the mainland of the Continent (in latitude about 67° 48' north); thence westerly, following the windings and sinuosities of said Coast, and including all Islands within a distance of three geographical miles, to the place of beginning.

4. Yukon. The District of Yukon (coloured green on the map hereto annexed) about 225,000 square miles in extent, to be bounded as follows:—

Beginning at the intersection of the 141st meridian of West longitude from Greenwich, with a point on the Coast of the Arctic Sea, which is [in] approximate North latitude 69° 39', and named on the Admiralty Charts 'Demarcation Point'; thence due south, on said meridian (which is also the Boundary Line between Canada and Alaska) for a distance of about 650 miles, to a point in latitude about 60° 10' north, at which it will intersect the disputed Boundary between Canada and the United States, on the North Pacific Coast; thence in an easterly direction, along the said undetermined boundary, for a distance of about 55 miles, (in a straight line) to its intersection with the 60th parallel of north latitude; thence due east along the parallel of latitude (which is also the north boundary of British Columbia) for a distance of about 550 miles, to the Liard River, in approximate longitude 123° 30' west; thence northerly, along the middle line of said River, for a distance of about ten miles till opposite the highest part of the range of mountains which abuts upon the river near the mouth of Black River. Thence to follow the summit of said range in a north-westerly direction to the southernmost source of the Peel River. Thence to follow northward the summit of the main range of mountains which runs approximately parallel to Peel River, on the west, as far as the intersection of the said range with the 136th meridian. Thereafter to run due north to the Arctic Ocean, or to the westernmost channel of the Mackenzie Delta, and along that channel to the Arctic Ocean; thence, northwesterly, following the windings of the Arctic Coast (termination of the mainland of the Continent) including Herschel Island, and all other Islands which may be situated within 3 Geographical miles, to the place of beginning.

[...]

The Minister further recommends that there be added to the district of Athabasca, the territory coloured yellow on [the] map hereto annexed [...]

The Minister further recommends that at the next session of Parliament a Bill be introduced having for its object the addition to the District of Keewatin, of the territory, containing about 470,000 square miles, bounded as follows:—

Beginning at the point of intersection of the northern boundary of the Province of Manitoba and the western shore of Lake Winnipeg; thence northerly along the western shore of said lake and of the Nelson River, to the point where the latter is intersected by the 18th Correction line of the Dominion Land Survey system; thence due west along the said correction line to a point at which it will intersect the 100th meridian of west longitude; thence due north, on said meridian, to the termination of the mainland of the Continent, on the coast of the Arctic Sea, in latitude about 67° 50' north; thence northerly and southerly following the said coast to the mouth of Great Fish River, at Lake Franklin; thence northerly to Franklin Strait; thence south-easterly, following the west shores of the Gulf of Boothia to Raes Isthmus; thence northeasterly, along the shore of said Gulf to Cape Inglefield; thence along the southerly shore of Fury and Hecla Strait to the head of Fox Channel; thence southerly and westerly, along the shores of said channel, to site of "Fort Hope", at the west end of Repulse Bay; thence southwesterly, following the windings and sinuosities of the coast of Hudson Bay, to

the mouth of Seal River, thence easterly and southerly to "York Factory" at Port Nelson, thence northeasterly and southeasterly to Cape Henrietta Maria, thence southerly along the west shore of James Bay to the mouth of the Albany River, thence westerly, along the middle or deep water channel of said River, which is the northern boundary of the Province of Ontario, defined by the Imperial Boundary Act of 12th August, 1889,¹²³ to Lake S^t Joseph; thence westerly [...]

The Minister adds that should the foregoing recommendations be adopted, the whole of the unorganized and unnamed portions of Canada will have been divided into Provisional Districts, a plan of which is hereto attached.

The Committee submit the foregoing recommendations for Your Excellency's approval

Mackenzie Bowell

Approved¹²⁴

2.10.95

Henry Strong

Deputy Governor

65.

Letter from Controller of Customs to Deputy Minister of Marine and Fisheries
Lettre du contrôleur des Douanes au sous-ministre de la Marine et des Pêcheries
LAC/ BAC, RG 23, vol. 242, file/ dossier 1536

Ottawa, 2nd December, 1895.

Wm. Smith, Esq.,

Deputy Minister of Marine & Fisheries,
 Ottawa, Ont.

Dear Mr. Smith,—

I enclose copy of report just received from Mr. Collector Milne of Victoria, B.C., as well as copy of letter which he encloses from Mr. W.P. Lindley of San Francisco, on the subject of illegal trade conducted by American whalers in Canadian Territory at the mouth of the Mackenzie River. The situation described affects the jurisdiction of your Department, the Department of Indian Affairs and the Department of Customs. I am forwarding¹²⁵ a copy to Hon. T.M. Daly, Minister of Indian Affairs, Etc.

I should be glad if the three Departments could take joint action in the matter.

I am,

Faithfully yours,

N. Clarke Wallace

¹²³ Canada (Ontario Boundary) Act, 52-53 Vict. c. 28 (United Kingdom/ Royaume-Uni).

¹²⁴ Order in Council, Décret du Conseil 1895-2640, *Canada Gazette*, 19 October 1895, pp. 683-685.

In December 1895 it was realized that the description of the boundaries contained some major defects. For example, since Herschel Island is more than three miles from the Yukon coast, technically it had been excluded from Canada. Il fut constaté en décembre 1895 que la description des limites territoriales présentait quelques défauts majeurs. Par exemple, puisque l'île Herschel se trouve à plus de trois milles de la côte du Yukon, elle avait été techniquement exclue du Canada. See: Voir Burgess to J.G. Colmer, 14 December 1895, LAC/ BAC, RG 25, vol. 96.

¹²⁵ Wallace to Daly, 3 December 1895, LAC/ BAC, RG 15, vol. 570, file/ dossier 172667.

**Enclosure 1: Letter from Collector of Customs, Victoria, British Columbia, to
Controller of Customs**

**Pièce jointe 1 : Lettre du percepteur des douanes, Victoria, C.-B., au contrôleur des
Douanes**

Copy/ Copie

Victoria, Nov. 23rd, 1895.

Honourable N. Clarke Wallace,
Controller of Customs,
Ottawa.

Sir,–

I have the honour to enclose for your information a letter received from a Mr. W.P. Lindley, of San Francisco, U.S.A., a marine engineer, who was at one time connected with the local papers here as a reporter, and whom I knew when he resided at Victoria.

Mr. Lindley is an American Subject, and his letter is confirmed by the Manager of the Hudsons Bay Company in this city, – that an extensive illicit business is being carried on, at Herschel Island, at the mouth of the Mackenzie River, and that a large quantity of valuable furs came down on the American Steamer “Lakme”, this fall, which were bartered from the Canadian Indians in that country, for whiskey and goods, by whaling vessels while wintering there.

This trade was originally carried on by the Hudson’s Bay Co., at Fort McPherson, which is kept established at great expense to secure the trade of Indian tribes in that part of our Dominion.

American whalers and traders are no doubt very aggressive, but I really cannot recommend at present incurring much expense to prevent this illegal business in so remote a district, but the advancing trade of our people, will I have no doubt require some action in the near future.

The Manager of the Hudson’s Bay Co., here says that they carry goods from Edmonton to Fort McPherson, at a very great expense, and that they will have to relinquish their trade at the mouth of the Mackenzie River unless the whaling vessels are prohibited from illegally trading goods and completely demoralizing the Indians with liquor.

These American whalers visit San Francisco every two or three years, and obtain large quantities of goods, and there being no expense for carriage and no duty being collected, – they have a great advantage in trading for valuable furs in this region. A steamer is despatched each year from San Francisco with supplies, returning with a cargo of whalebone and furs.

I have the honour to be,
Sir,
Your obedient servant,

[A.R. Milne],
Collector.

Enclosure 2: Letter from William P. Lindley to Collector of Customs, Victoria, B.C.
Pièce jointe 2 : Lettre de William P. Lindley au percepteur des douanes, Victoria, C.-B.

Copy/ Copie

San Francisco, November 18th, 1895.

A.R. Milne, Esq.,
 Collector of Customs,
 Victoria, B.C.

Dear Sir,–

I dare say you will remember me, although it has been quite a time since you have heard from me, but I have never forgotten you or the many kindnesses received at your hands. I may now be able to do you a bit of help. Recently I returned from a trip to Herschel Island, near the mouth of the Mackenzie River, where the American Whalers make their rendezvous and have winter quarters. I could tell you a strange story of selling the natives alcohol, buying furs from the hunters who are supposed to sell only to the H.B. Co., a general corruption and degradation of the Indians, and all done by those who bitterly despise the British flag but at the same time carry on the evils on British soil, and I believe as illegally as was the "Coquitlan" offense in violating the treaty regulations. Now should you desire a full and complete statement, I will give it to you, with names and dates under oath if you wish. Should the Canadian Government wish to "reciprocate" the "Coquitlan" case, here would be a good chance. The information would be, of course, sacredly confidential, and your use of it would no doubt serve to show your well-known zeal in the service of your Government, which I am sure can know very little of the devilish evils that the natives are subject to.

Should you see fit to reject this, I should be pleased to hear from you at any time, and trust you are well and prosperous.

Yours very truly,

[William P. Lindley]

66.

Letter from Minister of the Interior to Controller of Customs

Lettre du ministre de l'Intérieur au contrôleur des Douanes

LAC/BAC, RG 15, vol. 570, file/ dossier 172667

Copy/ Copie

Ottawa, 11th December, 1895.

Dear Mr. Wallace,

Referring to your letter of the 3rd instant, enclosing a copy of one from Collector Milne of Victoria, B.C., which was acknowledged in my absence by my Secretary, I may state that I received information²⁶ of a similar character over a year ago, in reference to the condition of things at Herschel Island, and the Mackenzie River. I then wrote²⁷ His Lordship the Anglican Bishop of Mackenzie River, asking him to give me his views of the situation, and I received a reply²⁸ from His Lordship about six weeks ago informing me that

²⁶ See *Voir Report of the Secretary of the Navy* (Washington, DC: Government Printing Office, 1892), p. 40.

²⁷ See/ Voir doc. 47.

the Rev. Mr. Stringer, Church Missionary, was about to return to Ontario for the Winter, and that he would bring full information to me upon the subject. I have been in communication with Mr. Stringer since his arrival in Toronto, and he expects to reach Ottawa in January, when I will get any information from him that he desires to impart with reference to the state of things at Herschel Island. I will fully inform you of the particulars I get from Mr. Stringer when received. As far as I am aware the information already received by this Department is somewhat on the lines of the letter written to Collector Milne by Mr. Wm. P. Lindley, of San Francisco. I shall be very glad to co-operate with your Department and that of Marine and Fisheries in such a way as to bring about a change in the condition of affairs in the locality in question.

Believe me,
Yours faithfully,
[T. Mayne Daly]

The Hon. N. Clarke Wallace,
Controller of Customs,
Ottawa.

67.
Memorandum from Deputy Minister of Trade and Commerce to Minister of Trade and Commerce
Note du sous-ministre du Commerce au ministre du Commerce
LAC/ BAC, RG 20, vol. 1121, file/ dossier 2890
Copy/ Copie

[Ottawa,] February 5th, 1896.

Confidential.

The Honourable W.B. Ives,
Minister of Trade & Commerce,
Ottawa.

Sir,

With reference to the matter of the illicit traffic carried on by American Whalers in the Arctic Seas, adjacent to the Mouth of the Mackenzie River, referred to in Sir John Schultz' letter†¹²⁸ of the 27th ultimo, I beg to observe—:

Representations in connection with this matter and complaints that American Whalers are depleting the Arctic Ocean in the vicinity referred to, and of their smuggling operations in connection with their trade with the Esquimaux and their violation of the Indian and Liquor Laws through the constant introduction of Spirituous Liquors among the Esquimaux at that point have frequently been made in the past few years, informally by the Hudson Bay Co., and more particularly by other parties; but, by reason of the noncommunicative policy of the Hudson Bay Co., nothing definite can be learned from it or its officers, and the other representations are based more upon hearsay than upon

¹²⁸ Schultz had written to Trade and Commerce on 30 July 1895 and again on 27 January 1896. The second letter enclosed copies of two letters from Bishop W.D. Reeve to Schultz, dated 31 October and 30 November 1895. All these documents are also in file 2890.

Schultz a écrit au ministère du Commerce le 30 juillet 1895 et une seconde fois le 27 janvier 1896. La deuxième lettre comprenait des copies de deux lettres de l'évêque W.D. Reeve à Schultz, datées du 31 octobre et du 30 novembre 1895. Tous ces documents se trouvent aussi au dossier 2890.

absolute facts, and may perhaps be taken *cum grano*, or at least with some degree of caution.

I have myself endeavoured to get information with reference to that Region from officers of the Hudson Bay Co., but am always met, not with absolute repulsion; but in a manner to indicate that they still adhere to their old policy of non-communicativeness with reference to the Region which they claim to be their special preserves, and although they do not absolutely mislead in their statements and answers yet they take no pains to correct misstatements when they know them to exist, provided they are in line with their own policy of total exclusion from their Region of parties who, by personal observations, would be able to refute stories in circulation, or who would be able to give information which, although not directly bearing upon the Company's operations, might indirectly have an influence detrimental to their interests.

It has all along been represented that, within the present century, no person other than the Esquimaux themselves have reached the Mouth of the Mackenzie River or gone beyond the mouth of the Peel which empties into the Mackenzie at probably 100 miles from the Arctic Shore Line. This statement has been untrue as regards many years past, and now that Missionaries have annually made the journey from Peel River to Herschel Island and established relations with the Esquimaux the fable will no longer bear credence, and probably no further attempt will be made to deny the practicability of reaching the Arctic by way of the Mackenzie.

It is a well known fact that the Esquimaux of the coast, about the Delta of the Mackenzie, come annually to Fort Mackenzie on the Peel for purposes of trade and the probability is that during the last few years trade at that Post has materially fallen off in consequence of the visits made to the vicinity by the American Whalers.

It may be said that the Arctic sea is open to all and that if the Hudson Bay Co. so desire they can fish in the Seas as readily as the Americans, and that if they do not do so it is their own fault and that therefore they should not complain because their neighbours engage in the enterprise.

It has always been represented that the Region about the Delta of the Mackenzie is wholly unknown to whites, not having been explored — this I am confident is simply a fable, and that quite a number of whites have passed through the principal of the various channels of the River, and that probably the officers of the Hudson's Bay Co. have done the same, yet great care is taken that no facilities be offered that would induce anyone to visit that Region, if they so desire — the Steamers of the Hudson's Bay Co. running on the River never having gone beyond the mouth of the Peel and never stopping at Fort Macpherson more than 24 hours, it can confidently be represented that it would take two years to go from Canada to the Mouth of the Mackenzie and return.

Of course the Sea is open and a vessel can reach the Mouth of the River and return during the same season, but this would be a costly voyage while that by way of the River would be of comparatively little expense, and notwithstanding all this, and the alleged hostility of the Esquimaux, it being represented that it would not be safe for a white man to venture among them, I have carefully studied the subject during the last three years and am confident that a properly equipped outfit can make the trip from Canada and return during one season.

The Steamer of the Athabasca [River] is supposed to leave annually on the 24th of May, but in point of fact it seldom if ever does until a number of days later than that, but there is nothing to hinder a canoe from leaving probably by the 1st of May, and with the rapid current and few portages the trip could be made by the Mouth of the Mackenzie in advance

of the Steamer and the only difficulty would be in getting back against the current before the streams were closed by ice in the Fall.

My own impression is that if an arrangement could be made with the Hudson's Bay Co. whereby its steamer could be retained at Fort Macpherson until about the middle of August, so that the party could return thereon, no insurmountable difficulty would be in the way of completing the trip with plenty of time for an investigation being made, within the season.

[...]

It is stated that numbers of Whalers winter at Herschel Island, and this is quite true, probably varying from half-a-dozen to 15 so that it can readily be seen that the quantity of goods they would trade with the Indians is considerable, and that in consequence the Revenue suffers considerable loss.

My own impression is that the matter is of more importance to Canada than the Post¹²⁹ on the Yukon which has been taken up and occupied within the past two years by the North West Mounted Police and considerable revenue is being derived therefrom.

I have been assured by officers of the Hudson's Bay Co. that they would not object to an expedition through their territories being undertaken provided the officer in charge was a man in high standing who would confine his Report to the objects had in view by the Government in sending him, without giving special information with reference to matters that might cause inconvenience to the Company should they be made public – but they decidedly object to what they term irresponsible people going there who would on their return publish stories detrimental to their interests.

I have very little faith that any particular assistance would be rendered to an expedition by the Company, although were it sent in [a] manner as above they might not deem it advisable to offer any opposition or throw obstacles in the way of its getting there and back again as soon as possible.

My own impression is and has been for some years past that an expedition to the Mouth of the Mackenzie is desirable and that, if [it is] to be undertaken, preparations should be made some months in advance of the proposed time for starting, and every precaution taken to guard against failure or against its being thrown upon the mercies of the Hudson's Bay Co. when in the country.

No doubt the expense could be shared between the Customs, the Department of the Interior and the Geological Survey, as all would be equally interested in the result of the investigations which might be made, and possibly the Department of Marine [and Fisheries] might be considered as also interested.

Respectfully submitted,

[William Parmalee]

68.

Memorandum from Surveyor General to Deputy Minister of the Interior

Note de l'arpenteur général au sous-ministre de l'Intérieur

LAC/BAC, RG 15, vol. 264, file/ dossier 37906

Ottawa, 13th. February, 1896.

As directed, I have examined the Keewatin Act [...]

¹²⁹ Fort Constantine.

The provisions of this Act are somewhat similar to those of the North West Territories Act, although there are important differences.

The North West Territories Act authorizes the Governor General in Council to divide the North West Territories into "Judicial Districts" but I do not find anywhere specific authority for the establishment of "Provisional Districts".

Any laws, institutions or measures that may be necessary for the administration and government of Keewatin are equally necessary for the other Districts. Therefore it appears that the best mode of dealing with the matter would be to repeal the Keewatin Act and replace it by a "Provisional Districts Act". I am not competent to say what the provisions of such an Act should be, but it is evident that something is necessary. The establishment of Provisional Districts not being contemplated by the North West Territories Act, it does not contain the requisite provisions for their Government. Moreover, it would be extremely inconvenient, if not impossible, to apply the North West Territories Act to Ungava and Yukon, for instance.

In order to prepare the memorandum to Council, defining the provisional districts, it is requisite that I should know what is to be done. I must therefore ask whether this memorandum is to be made with a view to an amendment of the Keewatin Act, or to a repeal of the Act, or to the introduction of a Bill respecting Provisional Districts.

With regard to the boundaries, I think that I can so modify the descriptions submitted as to remove your objections and also to make some of the improvements suggested by Dr. Dawson,¹³⁰ but I would respectfully recommend that the District of Franklin be simply described as "comprising all those parts of Canada not included in any of the above Districts or in any Province or Provisional District of Canada" and that it be left uncoloured on the map. My reason for this recommendation is that any attempt to define with more precision the boundaries and extent of the district will thereby fix the limits of Canada and bar any claim which may subsequently be set up to jurisdiction outside of these limits.

Respectfully submitted,

E. Deville
Surveyor-General.

The Deputy Minister of the Interior [A.M. Burgess].

69.

Memorandum by Deputy Minister of the Interior

Note du sous-ministre de l'Intérieur

LAC/ BAC, RG 15, vol. 570, file/ dossier 172667

Copy/ Copie

Notes of an interview which I had with the Rev. L.O. Stringer, a Missionary of the Church of England, stationed at Fort Macpherson near the mouth of the Mackenzie River, in regard to the condition of the native population in the territory within his spiritual jurisdiction, and, particularly as to the effects of the liquor traffic being conducted by the American whalers wintering at Herschel Island, of which complaint had been made by Bishop Reeve and to which Sir John Schultz, late Lieutenant Governor of Manitoba, refers, at the instance of Bishop Reeve, in his correspondence with the Department.

¹³⁰ No documents on these suggestions were found / Aucun document traitant de ces suggestions n'a été trouvé.

Ottawa, 17th February, 1896.

Mr. Stringer first brought to my attention the explorations made by Count de Sainville, a Frenchman, in the country adjacent to the mouth of the Mackenzie River. Count de Sainville appeared to visit the region purely as an explorer; remained there some years; and returned to France two years ago. He prepared a map¹³¹ showing the result of his explorations which is understood to have been sent to the Hudson's Bay Company. [...]

Fifteen whale ships wintered at Herschel Island last winter. The crews averaged about 45 each, making about 700 white people altogether. The vessels have been wintering there for 6 or 7 years, but never in such numbers as last year. Whaling has not proved as successful as it was a few years ago, and the probability is that next year there will not be more than half-a-dozen vessels at the most. The ships are nearly all sent out from San Francisco. The majority of the captains and crews are from New Bedford in Massachusetts, where some of the ships are also owned. The largest Company engaged in this business is the Pacific Steam Whaling Company of San Francisco, which has about 20 ships. The trade has been extremely profitable in the past, a single crew having been known to take 52 to 55 whales in a season, averaging a ton of whalebone each, worth from \$2 to \$5 a pound. No Canadian vessels are engaged in the whaling trade. The officers and men have an interest in the season's business, and receive a percentage of the profits. The sailors were in the habit of wintering at Herschel Island before the advent of the missionaries. They have treated the missionaries with extreme kindness, but they bring with them quantities of intoxicating liquors, which they supply to the natives. They also have furnished the latter with fixed ammunition and repeating rifles. It is the first time that the Esquimaux and Indians have been able to obtain intoxicants; they apparently quickly acquire a taste for drinking, and the effects are just as pronounced and pitiable as in the case of any other nationality. Mr. Stringer has been in the Esquimaux encampment when liquor was plentiful, and says that the greatest disorder prevailed, fire-arms being discharged at random in all directions. The Esquimaux recognize the bad effects of drinking, and implore him to do something to help them to resist the temptation to drink. They have gone so far as to send word to the sailors not to bring or give them any whiskey. Mr. Stringer has spoken frequently to the captains, and asked them to stop giving liquor to the Esquimaux. They promise to do so but do not keep their promises, though they have, at his request, signed a declaration that they would refrain from giving liquor to residents of Canadian territory. Herschel Island is generally admitted to be Canadian territory, but rumours have been current that perhaps, being an Island, it was not under the control of Canada. Some of the captains would willingly stop giving liquor, but there are always one or two who insist on bringing it, and in order to trade with the natives on equal terms, the others fall into line. Mr. Stringer went to the owners of the vessels in San Francisco and told them that the matter was becoming serious; they agreed that it was wrong and that it was his duty to try and stop the traffic if possible. They said they were opposed to the introduction of liquor for trading purposes and that they would do what they could in future to prevent its being taken in secretly.

Mr. Stringer suggested that an officer of the Canadian Government should be sent to the locality, with power to enforce the law. He did not at first seem to be impressed with the necessity of such an officer being in a position to compel obedience; but I pointed out to him that if there were not sufficient physical force available for that purpose it would be

¹³¹ In 1893 Schultz had forwarded a letter and sketch map by Sainville to Mackenzie Bowell, then Minister of Trade and Commerce. En 1893, Schultz avait envoyé une lettre et une esquisse de carte par Sainville à Mackenzie Bowell, alors ministre du Commerce. See: Voir Schultz to Bowell, 29 June 1893, LAC/ BAC, MG 26 E-1(A), vol. 11.

worse than useless to send an officer, that to solemnly require people to conform to certain laws, which they might nevertheless continue to defy, would be to invite contempt for the law, this he acknowledged, and that the cost of sending out a detachment of police would be prohibitive at present.

Mr. Stringer had some conversation with the captain of the British man-of-war "Pheasant", who told him that there was not a ship in the British fleet suitable for work in those waters. If there were, he (the captain) would recommend that the Home Government send a vessel to Herschel Island. The captain thought that the Imperial Government had an interest in the supervision of the whaling industry apart from any interest which the Canadian Government might have.

Upon one or two occasions he had a discussion with the fifteen whaling captains, at which they suggested that he should obtain authority to enforce law and order in his own person. Mr. Stringer agreed with me, however, that it would simply be inviting disaster to give any person such authority without the physical backing to enforce his orders, as this Government has no jurisdiction in San Francisco where the sailors come from, and that the duties of his sacred office, were inconsistent with the magisterial and police duty involved.

Mr. Stringer then referred to the moral responsibility thrown upon the Government of preserving order, which was the argument brought forward by Bishop Reeve. I explained to him that in the case of the Yukon District our action in sending out a force was rendered absolutely necessary because of the danger of international complications. I thought that it would be hard just now to find the money to maintain a Revenue Cutter or a force of Police on the Arctic coast, and that at least the causes which would make for that conclusion existed at many other points. For instance, in Hudson's Bay, the Hudson's Bay Company have made formal complaint of having to pay duty upon goods imported, while American whalers are free from this restraint, and bring in large quantities of dutiable goods without paying a cent into the Treasury simply because there is no machinery for collecting [...]

I enquired of Mr. Stringer as to the moral effect upon the Esquimaux of the presence of the American whalers at Herschel Island, and he acknowledged that it was very bad. The views of the Esquimaux and of the Indians in former years in regard to the relations of the sexes appear to be about identical. The effect of his statement, in short, was that the use of the Esquimaux women for immoral purposes was a simple question of barter and sale as between the men of their own race and the white men. He did not appear to think that venereal disease had resulted from this illicit intercourse to any very great extent, but the evidences of such intercourse, apart from what he gathered from observation, were plentiful in the form of half-breed children.

A.M. B[urgess]
D.M.I.

70.

Letter from Director, Geological Survey, to Deputy Minister of the Interior
Lettre du directeur, Commission géologique, au sous-ministre de l'Intérieur
LAC/BAC, RG 15, vol. 717, file/dossier 378269

Ottawa, April 9th, 1896

Dear Mr Burgess,

I have read Mr Ogilvie's private letter† to you of Dec. 2, with much interest, & return it herewith as you ask. In my opinion this is going to be a somewhat critical summer in the Yukon region & I hope that steps will be taken in time to strengthen the hands of the police

in every way possible. Great numbers of rough characters are heading for the district, with little or no means in many cases. If once an organized opposition to the police should gain power, everything will be undone & only by sending in a large force will it be possible to recover the ground.

Yours very truly

George M. Dawson

A.M. Burgess Esq
Deputy Minister of Interior.

71.

Letter from Comptroller, North-West Mounted Police, to Deputy Minister of the Interior

Lettre du contrôleur, Police à cheval du Nord-Ouest, au sous-ministre de l'Intérieur
LAC/BAC, RG 15, vol. 717, file/ dossier 378269

Ottawa 14th April 1896

My dear Burgess,

I have read, and return herewith, the note¹³² from Dr. Dawson which you enclosed with yours to me† of 13th instant.

I quite agree with him in assuming that the coming summer will be a critical one in the Yukon District. If newspaper reports are correct, a great many adventurers have already started across the mountains from Juneau, numbers of whom have had no previous experience in mining, and instead of Police supervision being limited to the vicinity of the International Boundary Line, with Headquarters at Fort Cudahy, we ought to establish an outpost somewhere near the mouth of the Teslin-Too (Hootalinka River), with a patrol by water between there and Cudahy, but this cannot be done unless the strength of the Police is increased from 20 to 30, and a patrol boat is purchased and sent up by the first Ocean going vessel. Constantine anticipates attempts to smuggle liquor into the District via the White, Chilkooot and Chilkat Passes.

I had hoped that some definite system of government for this territory would have been agreed upon for the coming season, but there appears to be no prospect of the matter being seriously considered until after the General Elections. In the meantime I propose to instruct Constantine to do his best with the men at his disposal, taking care not to scatter them beyond his immediate control at Cudahy. Of course this means the loss of one season, and of considerable Customs revenue on goods which go via Juneau and across the mountains.

Yours sincerely,

Fred^d White

A.M. Burgess, Esq.,
Deputy Minister of the Interior,
Ottawa.

¹³² Doc. 70.

72.

Letter from Bishop of Selkirk to Minister of the Interior**Lettre de l'évêque de Selkirk au ministre de l'Intérieur****LAC/BAC, RG 15, vol. 570, file/dossier 172667**

Buxton Mission Upper Yukon River

18th June 1896

Honorable Sir

[...]

You are probably already aware that Herschel Island in British waters & on the Arctic coast of the Canadian Dominion has now become a regular American Whaling Station where probably about 12 large American Steamers lie for about 9 months of the year with crews of about 600 Americans.

From these vessels large quantities of raw Spirits are traded with the neighbouring Natives, both Esquimaux and Indian to the utter ruin of those races. Moreover the Esquimaux have now been taught to distil liquor for themselves, and they obtain sugar and molasses from the ships for this purpose.

Deeds of furious violence are becoming common among the Natives from drunkenness. I hear of a case of a girl being hung up by the heels by a drunken father and flogged to death.

Nor is this liquor trade all the mischief. By a laborious and dangerous journey across the Indian country the gold mines on the Yukon River are accessible from the ships and parties of deserters from the ships are common. [...]

Commending these subjects to your kind attention,

Believe me to remain
your obedient servant

W.C. Bompas DD
Bishop of Selkirk

The Honorable The Minister of the Interior¹³³

Ottawa

73.

Letter from Acting Minister of the Interior to Bishop of Selkirk**Lettre du ministre de l'Intérieur par intérim à l'évêque de Selkirk****LAC/BAC, RG 15, vol. 570, file/dossier 172667****Copy/ Copie**

Ottawa, 2nd October, 1896.

My Lord Bishop,

[...]

I note Your Lordship's observations³⁴ in regard to Herschel Island and the whalers. I had placed before me by Mr. Burgess, soon after I took temporary charge of the

³³ By the time this letter reached Ottawa in September 1896, Richard Scott was acting Minister of the Interior following the Liberal election victory on 23 June. Au moment où cette lettre est arrivée à Ottawa en septembre 1896, Richard Scott assurait l'intérim à titre de ministre de l'Intérieur à la suite de la victoire électorale des libéraux du 23 juin.

Department of the Interior, the notes¹³⁵ of an interview which he had during the past Winter with the Rev. Mr. Stringer [...]

The evil effects of indulgence in liquor upon the native races of this continent are greatly to be deplored, and as far as I am personally concerned any steps which it should be within the power of the Government of Canada to take to suppress the liquor trade with the aborigines would have my sympathy and support. We are already doing what we can consistently with the financial resources of the country, and I am glad to know that Your Lordship acknowledges the healthy influence which is being exercised by the presence of the Mounted Police in your own neighbourhood. To render a similar service for the Mackenzie River region, including Herschel Island, would involve a very heavy outlay, for which I fear there would be great difficulty, just at present, in getting the requisite appropriation. I am, therefore, not able to make any suggestion, or to take any action at the present time, [...] but I have caused a copy of your letter to be transmitted to the First Minister, who has control of the Mounted Police, so that he may be made aware of the facts. [...]

Yours truly,

[R.W. Scott]

Acting Minister of the Interior.

The Rt. Rev. W.S. Bompas, D.D.

Bishop of Selkirk,

Buxton Mission, Upper Yukon River, N.W.T.

74.

Letter from Acting Minister of the Interior to Prime Minister

Lettre du ministre de l'Intérieur par intérim au premier ministre

LAC/BAC, RG 18, vol. 314, file/dossier 1906-177

Ottawa, 2nd October, 1896.

Dear Mr. Laurier,

I enclose a copy of a letter¹³⁶ which I received the other day from the Anglican Bishop of the Missionary Diocese of Selkirk, which includes all the upper portion of the Yukon Valley. I sent you also a copy of my reply¹³⁷ thereto. I call your attention especially to what he says about Herschel Island, the effect which the illicit liquor trade carried on at that point by the American whalers is having upon the Esquimaux, and the facts he relates as to the desertion of sailors from the whaling fleet for the purpose of reaching the gold mines across country, and the consequences arising therefrom. You will probably wish to consult the Comptroller of the Mounted Police in regard to this, although for my own part, as I say to the Bishop in the course of my letter, I do not see what further we can do in that Northern country at the present time.

Yours truly,

R.W. Scott

The Hon. Wilfred Laurier,

Prime Minister,

Ottawa.

¹³⁴ See/ Voir doc. 72.

¹³⁵ Doc. 69.

¹³⁶ Doc. 72.

¹³⁷ Doc. 73.

75.

Memorandum for Prime Minister by Comptroller, North-West Mounted Police
Note à l'intention du premier ministre du contrôleur, Police à cheval du Nord-Ouest
LAC/BAC, RG 18, vol. 314, file/dossier 1906-177

Ottawa, 19th October, 1896

Memo [to Wilfrid Laurier] on the annexed reference from
 the Hon. the Acting Minister of the Interior of a copy of a letter from
 the Right Rev. W. S. Bompas, Bishop of Selkirk, dated 18th June, 1896,
 and copy of the reply of the Hon. the Acting Minister of the Interior thereto

There are at present Nineteen (19) Police in the Yukon District, and so far they have been successful in preserving order amongst the miners, but it would not be safe to detach any number of this small band for an expedition to the mouth of the Mackenzie River. If the Government should decide to police Mackenzie Bay, in the Arctic Ocean, the force of landsmen might be sent via Edmonton and the Hudson's Bay boats. It would, however, appear reasonable to assume that the necessary supervision could be more efficiently performed by a patrol boat which would be able to move among the whalers. The expense would be large, and, in the opinion of the undersigned, much greater than the existing state of affairs, or the results, would justify at present.¹³⁸

Respectfully submitted.

Fred^d White
 Comptroller.

76.

Memorandum for Prime Minister by Comptroller, North-West Mounted Police
Note à l'intention du premier ministre du contrôleur, Police à cheval du Nord-Ouest
LAC/BAC, MG 26 G, reel/ bobine C-371

Ottawa, 3rd February, 1897

In response to repeated representations made by the Right Reverend Dr. Bompas, Bishop of Selkirk, and others, respecting the condition of affairs in the Yukon District immediately East of Alaska, the urgent necessity for the establishment of some form of government in Canadian territory, and particularly for Police protection, an Order in Council was passed on the 26th May, 1894, authorizing the despatch to the Yukon of an Inspector of the Mounted Police, and one Non-Com. Officer to act as clerk and, in case of necessity, as constable.

[...]

There was a good deal of hesitation on the part of the Government of the day with regard to the despatching of a force of Police sufficiently strong to assert the authority of the Canadian Government amongst the miners in this distant region. Towards the Spring of 1895, however, orders were issued for a detachment of 2 officers, 1 surgeon, and 17 men to proceed to the Yukon. [...]

¹³⁸ Marginal note/ Note marginale :
 Read by W. Laurier, Oct. 20/96

They have collected about \$50,000 in Customs duties, and the Officer in charge has also acted for the Department of the Interior in the issuing of mining licenses and other matters relating to lands and timber. During the Summer of 1896 a Collector of Customs was appointed who on his arrival at Cudahy, probably during August, would take over the Customs work.

Inspector Constantine who is in charge calls attention to the necessity for the establishment of Civil Courts, the providing of machinery for the collection of small debts &c., an office for the registration of transfers, mortgages, deeds, and other papers of title.

There were two objections urged against sending Police to the Yukon, the first being the danger of so small a force, cut off from communication with the rest of Canada, being outnumbered and set at defiance by the miners who had hitherto respected no law except that of their own making, and secondly, the danger of international complications arising out of disputes as to the location of mining claims on rivers or creeks which were known to be part in Canada, and part in the United States.

The first of these difficulties has been overcome, the Police having on two or three occasions successfully asserted the authority of the Government, and they can now confidently rely upon the support of the better element among the miners. The second will be met in the early future by the definite location of the International Boundary. In this respect it is worthy of note that several of the most prolific gold bearing creeks, which were claimed to be in U.S. territory, have been proved to be within the limits of Canada.

It is impossible to give exact figures regarding the output of gold during the season of 1896, but the undersigned thinks he is safe in saying that \$300,000 will be well within the limit.

Under a recent opinion¹³⁹ of the Department of Justice the Ordinances passed by the Legislature of the N.W. Territories at Regina are in force, so far as the circumstances may apply, in the unorganized Districts North of the Electoral Districts, and, therefore, the undersigned assumes, also in the Yukon District, but the machinery for enforcing these Ordinances is not available in the Yukon, and the undersigned suggests whether it would not be well to pass a general Act providing for the temporary administration of justice and the preservation of law and order in the unorganized territories, including the Yukon District,¹⁴⁰ on somewhat the same lines as the original Bill respecting the North West Territories, from which has developed the existing state of government in the Electoral Districts of Assiniboia, Alberta, and Saskatchewan.¹⁴¹

All reports agree as to [the] enormous mineral wealth of this region, development being retarded by its inaccessibility. [...]

¹³⁹ Newcombe to White, 6 October 1896, LAC/ BAC, RG 13, vol. 2281, file dossier 1896-814.

¹⁴⁰ Instead, on the recommendation of the Minister of Justice, the Yukon Judicial District was created by Order-in-Council 1897-2406, approved on 16 August 1897. A Commissioner and other officials were appointed during 1897.

Au contraire, sur recommandation du ministre de la Justice, le District judiciaire du Yukon a été créé par le décret du Conseil 1897-2406, approuvé le 16 août 1897. Un commissaire et d'autres responsables ont été nommés au cours de l'année 1897.

See/ Voir LAC/ BAC, RG 2, vol. 742.

¹⁴¹ 38 Vict. (SC 1875) c. 49. A draft bill was prepared along these lines (doc. 82), but the Yukon Territory Act, 61 Vict. (SC 1898) c. 6, did not make the same provisions for future responsible government.

L'ébauche d'un projet de loi a été préparée selon ces modalités (voir doc. 82), mais l'Acte du Territoire du Yukon, 61 Vict. (SC 1898) c. 6, n'a pas établi les mêmes dispositions pour un futur gouvernement responsable.

The Police who are now in the Yukon agreed to stay there for two years, which period will expire during the coming Summer. [I] instructions are therefore necessary with regard to the future. The undersigned respectfully submits that the strength should be continued as at present by sending new men to replace those who desire to come out on the expiration of the two years for which they agreed to serve.

Respectfully submitted.

Fred^e White
Comptroller.

77.

**Instructions from Minister or Deputy Minister of Marine and Fisheries to
Commander, Canadian Government Expedition**

**Directives du ministre ou du sous-ministre de la Marine et des Pêcheries au
commandant, expédition du gouvernement du Canada**

LAC/ BAC, RG 42, vol. 338, file/ dossier 13205A

Copy/ Copie

[Ottawa,] 23rd April 1897

Sir,

As already intimated to you personally, I have appointed you to the command of the Hudson's Bay Expedition, and you will consider this letter a formal appointment, and enter upon the active discharge of your duties as such Commander.

You will take charge of the "Diana", about whose movements you already know, and appoint the different officials, officers and crew, as agreed upon between us.

You will proceed to Halifax at the earliest moment your duties will permit your leaving here, and make the necessary arrangements for the Expedition.

As I have already explained to you personally, you are to push forward the preparations so as to be with the "Diana" at the mouth of Hudson's Bay at the earliest possible moment when an entrance can be effected into the Straits, which I think we agreed was possible some time about the 1st of June.

You will make all necessary arrangements before leaving Halifax for fitting out the vessel in a manner suitable for the Expedition, and you will receive authority from the Department to spend such sums of money and incur such expenditure as may be necessary for that purpose.

I have approved of several memorandums¹⁴² made by you from time to time setting forth what you might require, and any further memoranda that you wish to submit with reference to the equipment or provisioning of the "Diana", or obtaining suitable appliances for facilitating the work that she has been detailed to carry out, I will be glad to approve of when submitted to me.

You will be accompanied on the Expedition by Captain Bourke, R.N. * who goes more especially on behalf of and representing the interests of the Railways contemplated to be built from Hudson's Bay to the Pacific, or to the centre of the Great North West, and also by James Fisher, Esquire, who will go as representing specially Manitoba and the North West Territories.

¹⁴² Bourke did not in fact accompany the expedition. En fait, Bourke n'a pas accompagné l'expédition.

I trust you will make such provision for these two gentlemen as will make their voyage comfortable, and that you will do whatever is necessary to give them every assistance to enable them to make any observations which they may desire to make.

With regard to the provisioning of the "Diana", I do not think it is desirable, as I have already intimated to you privately, that any grog or spirits should be served out to the men on the Expedition, but you will exercise your own judgment in taking such quantity of spirits, wine or beer as you may deem necessary for medicinal purposes.

As you are already aware, there will be a party accompanying you from the Geological Survey.¹⁴³ Your instructions are to carry these men to the Straits, and land them as they may desire on the north or south shore of the Straits, leaving them there during the Summer months, and picking them up on your return home, according to any pre-arrangement you and the officer in command of the party may determine upon.

When you reach the entrance to the Straits you will understand that your duty will be to test their practical navigability, and you will continue with all due energy, but exercising, of course, proper care and caution, to press the Steamer through the Straits to ascertain their navigability.

After and when you have succeeded in reaching the inner waters of the Bay, you will at once reverse your course and again press backwards to the Ocean, and, subject to the discretion which you must exercise yourself, I would think it desirable that you should cruise in and out of the Straits two or three times before you sail into Hudson's Bay proper, for the mere fact of your being able to navigate at once [*sic*] either in or out would not by any means settle the question of their practical navigability.

After you have settled the question as far as it can be settled in the spring, and when all doubt as to the navigability is past, you will leave the Straits and proceed into Hudson's Bay proper.

During the summer months you will cruise through the Bay and explore it as thoroughly as possible, and ascertain its capability for fishing purposes, and the nature and character of the fishes which it contains. In order to enable you to do this properly, you will take care to equip the vessel, before leaving Halifax, with all necessary appliances.

I need hardly say to you that it will be necessary for you to carefully note from day to day the results of your investigations, so that they may, when put in the form of a proper report at the end of the Expedition, present a complete diary of the Expedition from the time you leave until you return.

Before leaving Halifax you will either make arrangements yourself for a schooner loaded with coal to go forward to the entrance of the Straits to meet you at such time as you may determine upon, or leave a memorandum for the Department to make such arrangements, designating the time when you will require the vessel to be at the entrance of the Straits.

If you arrange in Halifax for such a vessel, as I would prefer you should do, I would ask you to take counsel with the Hon. George Murray, Premier of Nova Scotia, who will be able to give you necessary information with regard to a schooner to sail from Sydney, and also a man to command her. Mr. Murray has already strongly recommended a man for captain, but I cannot recollect his name at the moment.

You are authorized to enter into a charter for this purpose.

¹⁴³ See Voir Robert Bell, "A Survey in Baffinland," *Geographical Journal*, vol. 18, no. 1 (July 1901), pp. 25-43.

After thoroughly testing the fishing capability of the Hudson's Bay, and making such biological observations as you desire, your instructions will be to resume the navigation of the Straits in the Autumn of the year with a view of determining for how long they are navigable, and for this purpose you will repeat the operation of cruising in and out of the Straits the same as you did in the spring.

After having thoroughly satisfied yourself on this point you will pick up the Geological party and return to Halifax.

You are authorized to employ a Private Secretary, who will assist you in writing, and who ought to be a photographic expert, and take with him a complete supply of photographic instruments for the purpose of taking views.

Rumours having reached this Department, more or less authenticated, that foreigners have been quietly establishing themselves and asserting more or less of sovereign powers on parts of the territory lying north of Hudson Bay Straits,¹⁴⁴ it will be your duty to make a thorough investigation into the truth of these rumours.

With this object you will proceed up Cumberland Sound, make thorough enquiry into the extent of the trade carried on in this territory with the Esquimaux, and, also, the character and extent of the fishing carried on by aliens within Canadian territorial limits, and also the extent of the trade, if any, carried on without payment of duties, &c

It will be your duty firmly and openly to declare and uphold the jurisdiction in all th[o]se British territories you may visit of the Dominion of Canada, to plant the Flag as the open, notorious evidence to the natives and others of our claim to jurisdiction, and our determination to maintain and uphold it.

I leave to your judgment and discretion the special steps you may deem it necessary to take to proclaim and uphold our sovereignty. You will to some extent be guided by circumstances, but the fact that all the Territories are unquestionably ours, must be made patent to all natives, as well as foreigners, and in equipping the "Diana" you will specially bear in your mind the necessity of being able to enforce Dominion jurisdiction. I assume, therefore, you will deem it necessary to take proper fire-arms and ammunition, and I would suggest a suitable small cannon of the most modern and improved kind. On this point you would do well to consult with Commander Spain.

Bearing in mind the specific objects of the expedition as above outlined, you are invested with all general power and discretion, such as is necessary in the Commander of an Expedition of this kind, and the Department will rely upon your prudence and discretion in carrying them out with energy and zeal.

¹⁴⁴ Documents on the rumours that the whalers were "asserting more or less of sovereign powers" were not found. In the House of Commons on 6 May 1897, Davies outlined his orders to Wakeham and stated: "After consultation with Dr. Dawson of the Geological Survey, I adopted that course in regard to a matter, which he considers of very great importance. That gentleman seemed to think that if encroachments were allowed to be made and to continue, they might result in diplomatic questions arising within a few years, and we determined to anticipate any possible difficulty by asserting our sovereign rights in the most marked and distinct manner possible." *Canada, House of Commons Debates*, 8th Parliament, 2nd session, vol. 44, col. 1816.

Aucun document n'a été retrouvé au sujet des rumeurs selon lesquelles les baleiniers exerceraient plus ou moins des pouvoirs souverains. Le 6 mai 1897, à la Chambre des communes, Davies détailla ses ordres à Wakeham et précisa: «Après avoir consulté le Dr Dawson, de la commission géologique, j'ai pris cette décision [sic] sur une question qu'il considère comme très importante. Ce monsieur a semble croire que si on laisse se continuer ces violations, il pourrait en résulter, dans quelques années, des difficultés diplomatiques, et nous avons décidé de prévenir la chose en établissant nos droits de la manière la plus formelle possible.» *Canada, Chambre des communes. Débats*, 8^e législature, 2^e session, vol. 44, col. 1559.

Your present pay will continue during your absence, and I will be very happy to make such an addition to it in the shape of a bonus as will fittingly represent the Department's appreciation of the services you have performed.

I enclose you herewith a letter† to the Librarian of Parliament asking him to assist you in obtaining such books as you require to form a library on board, but in addition to that, I hereby give you authority, if the books furnished you are not sufficient, to procure in Halifax such necessary books as you think desirable for the purposes of reading and study.

Yours faithfully,

[Louis H. Davies or/ ou François Gourdeau]

Commander W. Wakeham

78.

Memorandum from Acting President of Privy Council to Governor General

Note du président par intérim du Conseil privé au gouverneur général

LAC/BAC, RG 2, vol. 741

[Ottawa]

On a Memorandum† dated July 27th 1897, from the Minister of the Interior [Clifford Sifton] reporting that the discoveries of gold in the Upper Yukon, and the rush of Miners and others to that district call for immediate action in the direction of providing for the preservation of law and order, and the opening up of a line of Communication between the Pacific Coast and the Interior, a distance of about 650 Miles.

The Minister is of opinion that:—

(1) The Mounted Police in the Yukon District should be at once increased from 23 to 100 of all ranks.

(2) That buildings for winter shelter should be erected about fifty miles apart between the Coast and Cudahy.

(3) That a monthly Mail route should be established.

(4) That the Dominion Land Surveyors now in the Yukon should be instructed to render every possible assistance to the Police in locating and establishing the line of Communication and that any unexpended balance of the appropriation of Parliament for Surveys in the Yukon be applied to this Service.

(5) That any further expenditure for the erection of Quarters for the Police, supplies &c., &c., be paid from the General appropriation for the maintenance of the N.W.M. Police pending the meeting of Parliament and the voting of the Supplementary Estimates.

The Committee submit the above recommendation[s] for Your Excellency's Approval.

R.J. Cartwright

Approved¹⁴⁵
29 July 1897
Aberdeen

¹⁴⁵ Order-in-Council/ Décret du Conseil 1897-2318.

79.

Letter from Minister of Marine and Fisheries to Secretary of State for the Colonies
Lettre du ministre de la Marine et des Pêcheries au secrétaire d'État aux Colonies
TNA, CO 42/855

Hotel Cecil, Strand WC
 30 July 1897.

Dear Sir:

I have received from D^r G M. Dawson, head of the Geological Survey of Canada a letter a copy of which I take the liberty of enclosing to you as also a clipping accompanying the letter.

At the present time the Government of Canada have a vessel engaged in Hudson Straits and Hudson Bay. The main object of this expedition is to ascertain the navigability of Hudson Straits for trading vessels. Instructions have been given to the Commander in charge to visit Cumberland Bay, [and] plant the flag there as a practical and open assertion of our claim to territorial jurisdiction. D^r Dawson suggests that possibly the Home Government might be induced to send a commissioned vessel to that part of the world with a view to establishing beyond any doubt our jurisdiction over all those lands which lie North of Hudson Bay and I have the honour to commend his remarks to your notice with the hope that they may receive proper consideration at your hands.

I have the honour to be
 Yours faithfully,

L.H. Davies
 Canadian Minister of Marine & Fisheries

The Right Honourable Joseph Chamberlain
 Colonial Secretary
 Downing Street.

Enclosure: Letter from Director, Geological Survey, to Minister of Marine and Fisheries

Pièce jointe : Lettre du directeur, Commission géologique, au ministre de la Marine et des Pêcheries

Copy/ Copie

[Ottawa?] July 12, 1897.

Dear Sir Louis:

Enclosed is a clipping ⁴⁶ from the N.Y. Evening Post of July 8th, which may interest you as showing the special and peculiar interest which Peary & Co. appear to be taking in our Baffin Land. It seems a pity that the Home Govt. could not be got to send a Commissioned vessel up on the Hudson Strait work, or even to call in at the settled points on Baffin Land

⁴⁶ "The Peary Expedition. Plans for Starting from Boston Next Week. The Baffin Land Party." The article deals mainly with the planned scientific work on Baffin Island by Russell Williams Porter. Porter and his colleagues were transported north in Peary's chartered ship, but their affiliation with his expedition seems to have been purely formal. L'article traitait principalement du travail scientifique prévu sur l'île de Baffin par Russell Williams Porter. Porter et ses collègues ont été transportés dans le Nord à bord du navire affrété par Peary, mais leur affiliation avec cette expédition semble avoir été de pure forme. See: Voir Porter, "Trobisher Bay Revisited," *Journal of the American Geographical Society of New York*, vol. 30, no. 2 (1898), pp. 97-110.

etc. & return. The Danish Govt. looks after their Greenland points thus every summer thus leaving no chance for anyone to assume that there is a no-man's land to be adopted. I sent to-day via Sydney to Capt. Wakeham a copy of the clipping, which may be in time to reach him by the coaling vessel.

Yours truly,

[George M. Dawson]

Sir L.H. Davies K.C.M.G.

Minutes/ Notes

Sir J. Bramston.

Sir L. Davies spoke to me about this and I told him to write.

I do not suppose there is any reason to suppose that the U.S. wish to grab Baffin Land, though if gold were to be found there in the same richness as on the western side of North Canada, there is no saying.

The boundary of Canada to the north has never so far as I know been officially defined. The charter of the Hudson Bay Co. [...] was wide enough to cover anything, but something more precise wd be req^d as proof of sovereignty.

No doubt all map makers have [printed?] Canada as bounded on the East, by Davis Str, Baffin Bay & Smith Sound & on the North by the Frozen Ocean.

Lt Peary has been exploring in Baffin Land for some years,¹⁴⁷ but so far as is know[n] with a purely scientific objective.

Send copy of this to Admty and urge them next year as soon as navign. is practicable to send a ship to the neighbourhood of Cumberland Sound to plant a flag and make a formal assertion of ownership and at the same time ask whether they have any information as to any previous formal acts of sovereignty in that neighbourhood.

J. A[nderson] 3.8

The order in C. of 31 July 80 annexed to Canada everything that is British – ask Adm^y sending copies of this whether they can tell us what territory north of the mainland is British & how & when it became so.

J. B[ramston] 4/8

So proceed.

E. W[ingfield] 4 Aug¹

¹⁴⁷ Peary had in fact explored Greenland, not Baffin Island. Peary avait en fait exploré le Groenland, et non l'île de Baffin.

80.

Letter from Assistant Under-Secretary of State for the Colonies to Permanent Secretary to the Admiralty.

Lettre du sous-secrétaire d'État adjoint aux Colonies au secrétaire permanent de l'Amirauté

TNA, ADM 1/7341

Downing Street,
9 August 1897

16763.97

Sir,

I am directed by Mr Secretary Chamberlain to transmit to you, to be laid before the Lords Commissioners of the Admiralty, the accompanying copy of a letter, ⁴⁴ with its enclosures, from the Honourable Sir L. H. Davies, K.C.M.G., the Canadian Minister of Marine and Fisheries, recommending the suggestion of Dr G. M. Dawson, the head of the Canadian Geological Survey, that Her Majesty's Government should send a commissioned vessel to the waters north of Hudson Bay with a view to establishing beyond doubt the jurisdiction of Her Majesty over all the lands in those parts.

Mr Chamberlain will be glad if you will be good enough to request their Lordships to furnish him, with any information in their possession as to what territory north of Hudson Straits and Hudson Bay is British and how and when it became so.

I am, Sir,

Your most obedient servant,

John Bramston

The Secretary to the Admiralty [Evan MacGregor]

Minutes/ Notes

It appears that a statement is required respecting the ownership of the territory North of Hudson's Bay and Strait, and that no opinion is asked as to the policy, or feasibility, of sending one of H.M. Ships at stated periods to establish the jurisdiction of Her Majesty over the territory in question. The following remarks are therefore confined entirely to the subjects of how and when this territory became British.

It is advisable to point out in the first place that questions relating to this subject were asked by the Colonial Office in 1874 and 1879 [...]

The whole of the territory north of Hudson's Bay to the parallel of 78° 30' North latitude; and from a line passing up the centre of Davis Strait and Baffins Bay, westward to the meridian of 141° West longitude (where the United States territory commences) is British; first, by right of discovery; second, by its having been at various times taken formal possession of; moreover the greater portion of the land in this region has never even been visited by the subjects of any other nation, the only occasion on which foreign subjects have been in this area having been when they aided the British in the search for Sir John Franklin partly in British ships under the British flag and partly in American vessels. A full statement of these visits is given hereafter.

To illustrate when and by whom the various islands, and seaboard areas of the continent were discovered, the accompanying plan¹⁴⁹ has been prepared which shows in a graphic manner the date and name of the discoverer with the area explored.

On this plan is also marked and numbered, the positions where formal possession was taken, which are as follows[:]

List of places where formal possession was taken of territory north of Hudson's Bay, marked and numbered on the accompanying plan.

N^o 1. In 1577. Martin Frobisher landed and took possession, and built a cross of stones in latitude 61°.40' N. longitude 64°.30' W.

N^o 2. In 1818. On September 1st Commander John Ross H.M.S. "Isabella" landed and took possession of the country in a bay, now named Possession Bay in latitude 73°.40' N. longitude 77°.0' W.

N^o 3. In 1818. On September 10th Commander John Ross, H.M.S. "Isabella" landed and took possession near St. Agnes Monument [in] latitude 70°.30' N. longitude 68°.20' W.

N^o 4. In 1819. On August 7th Lieutenant Edward Parry commanding H.M.S. "Hecla" deposited a bottle and erected a flagstaff on the West side of Cockburn Island in latitude 72°.45' N. longitude 89°.41' W.

N^o 5. In 1819. On August 15th Lieutenant E. Parry, H.M.S. "Hecla" deposited a bottle on Cockburn Island in latitude 73°.33' N. longitude 88°.18' W.

N^o 6. In 1819. On September 2nd Lieutenant E. Parry, H.M.S. "Hecla" deposited a bottle on Melville Island in latitude 74°.58' N. longitude 107°.3' W.

N^o 7. In 1820. On January 7th Lieutenant E. Parry, H.M.S. "Hecla" erected a cairn on Melville Island in latitude 75°.35' N. longitude 110°.36' W. and on 15th January another in latitude 74°.48' N. longitude 111°.12' W. whilst other marks were left in Winter Harbour in latitude 74°.47' N. longitude 110°.48' W. where the ships had wintered [in] 1819-1820 and displayed the British colours for the first time.

N^o 8. In 1824. Commander E. Parry, H.M.S. "Hecla" wintered in Port Bowen on [the] West side of Cockburn Island and left records and displayed the British colours in latitude 73°.14' N. longitude 88°.55' W.

N^o 9. In 1825. In August of this year H.M.S. "Fury", the consort of the "Hecla", Commander E. Parry, was driven on shore on the East side of North Somerset and abandoned in latitude 72°.42' N. longitude 91°.50' W. Tents were erected on shore and the British colours displayed.

N^o 10. In 1829. On August 16th Captain John Ross R.N. in [the] exploring vessel "Victory" landed and took possession of the country on an island off the East coast of Boothia in latitude 72°.0' N. longitude 95°.30' W.

N^o 11. In 1830. On May 30th Commander James Ross R.N. attached to the exploring vessel "Victory" Captain John Ross, took possession of King Williams Land at Victory point in latitude 69°.38' N. longitude 98°.41' W.

N^o 12. In 1831. On June 1st Commander James Ross, attached to the exploring vessel "Victory" planted the British flag on the Magnetic pole and took possession of the territory in latitude 70°.5' N. longitude 96°.47' W.

N^o 13. In 1850. On September 7th Commander M^cClure, H.M.S. "Investigator", took possession of Baring [Banks] Land in Latitude 71°8' N. longitude 122°.48' W.

¹⁴⁹ Not found./ Non retrouvé.

- N° 14. In 1850. On October 10th Commander McClure H.M.S. "Investigator" took possession of Prince Albert land in latitude 72° 55' N. longitude 117° 0' W.
- N° 15. In 1850. On October 18th Commander McClure H.M.S. "Investigator" took possession of Princess Royal Islands in latitude 72° 46' N. longitude 117° 44' W.
- N° 16. In 1852. On August 14th Captain Sir E. Belcher H.M.S. "Assistance" took possession of Grinnell land at Cape Franklin in latitude 76° 43' N. longitude 96° 40' W.
- N° 17. In 1852. On August 27th Captain Sir E. Belcher H.M.S. "Assistance" took possession of Foxmouth Island in latitude 77° 15' N. longitude 95° 50' W.
- N° 18. In 1852. On August 30th Captain Sir E. Belcher, H.M.S. "Assistance" took possession of North Cornwall in latitude 77° 34' N. longitude 95° 50' W.
- N° 19. In 1853. On May 13th Captain Sir E. Belcher H.M.S. "Assistance" took possession at Cape Disraeli in latitude 76° 44' N. longitude 93° 0' W.
- N° 20. In 1853. On May 16th Commander G.H. Richards, H.M.S. "Assistance" hoisted British colours and left records at Cape Colquhoun, Melville Island in latitude 76° 45' N. longitude 108° 45' W.
- N° 21. In 1853. On May 18th Captain Sir E. Belcher H.M.S. "Assistance" took possession of North Kent in latitude 76° 38' N. longitude 90° 30' W.
- N° 22. In 1853. On June 12th Captain Sir E. Belcher H.M.S. "Assistance" took possession of Buckingham Island in latitude 77° 8' N. longitude 91° 10' W.
- N° 23. In 1853 H.M.S. "Investigator", Commander McClure was abandoned in the Bay of Mercy having spent 2 winters there and displayed the British flag for 2 years in latitude 74° 0' N. longitude 118° 0' W.¹⁵¹

In addition to these instances of taking formal possession, numerous cairns have been constructed on the coasts of the whole of this region, by the sledge parties exploring the territory, when detached from the vessels mentioned in this list. These cairns contain records of the visits, and doubtless many are still existing, though some have disappeared owing to the want of suitable material in the locality to construct permanent marks.

The particulars of the subjects of Foreign States visiting the region are[]

I. An American expedition consisting of 2 vessels named the "Rescue" and "Advance" was fitted out in 1850 by M^r Grinnell of New York to aid in the search for Sir John Franklin; they sailed under American colours, and proceeded up Baffins Bay, and through Lancaster Sound to Erebus Bay.

They ultimately reached Griffith's Island where they met the British expedition under Captain Austin [in] latitude 74° 30' N. longitude 95° 30' W. and about the middle of September 1850, bore up for New York but were caught in the pack and frozen in for the winter, during which they drifted through Lancaster Sound and into Baffin's Bay returning to New York in 1851.

¹⁵¹ This was the land now known as the Grinnell Peninsula (a part of Devon Island). It should not be confused with the Grinnell Land discovered during Elisha Kent Kane's expedition.

Il s'agit du terrain désormais connu comme la péninsule Grinnell, (une partie de l'île Devon). A ne pas confondre avec la Terre de Grinnell découverte pendant l'expédition d'Elisha Kent Kane.

¹⁵² Tizard did not include the 1875-1876 Nares expedition or note the statement in the 1879 Admiralty memo that the 78° 30' N. boundary should be

Tizard n'a pas inclus l'expédition de Nares de 1875-1876, ni mentionné la déclaration faite dans le note de l'Amirauté de 1879, selon laquelle la limite territoriale 78° 30' N devrait être fixée

without prejudice to the rights of this country established by the discovery of more Northern lands made in the late Arctic Expedition.

See Voir doc. 30.

2. Lieutenant Bellot of the French Navy sailed with M^r Kennedy in the "Prince Albert" in 1851 under the British Flag in search of Sir J. Franklin, the vessel being fitted out by Lady Franklin. It seems hardly necessary to say where they went as the vessel was British.

Lieutenant Bellot afterwards went with Commander Inglefield R.N. in H.M.S. "Phoenix" and lost his life in the Arctic in 1853.

3. Lieutenant De Brayes of the French Navy accompanied Sir E. Belcher's expedition 1852 to 1854 on board H.M.S. "Resolute" Captain Kellett.

4. M^r Hall a citizen of the United States travelled through the Hudson's Bay territory to the South coast of King Williams Land in latitude 68.30' N. longitude 98° W. in search of Sir John Franklins relics in 1864-69.

5. Lieutenant Schwatka of the United States Army also travelled through Hudson's Bay territory to King Williams land in 1879 in search of relics of Sir John Franklins expedition.¹⁵²

8 September 1897

H. Tizard
for Hydrographer

Hydrographer

For report as to Par. 1 of Colonial Office letter.

F.W. R[ichards] 11 Sep. 97.

A wooden bottomed man of war could without very much risk, but not with no risk, pass in to Hudson's Strait and hoist the flag on the northern shores of the strait and of Hudson's Bay. To go further north a vessel must be specially protected.

It may be remarked that in the 1879 papers, referred to, there was an intention of passing an Act of Parliament referring to the territories north of Hudson's Bay considered to be British. This was not carried out but it appears a far more effective and simple way of declaring British sovereignty if such be necessary, than the slow and expensive one of sending a specially fitted vessel to hoist a flag, an act which in itself admits that the territories in question are not British, and at once raises questions as to every spot on which a flag has not been hoisted with the concurrence and approval of the Foreign Office.

15 September 1897

W.J. Wharton
Hydrographer

81.

Memorandum from Surveyor General to Deputy Minister of the Interior

Note de l'arpenteur général au sous-ministre de l'Intérieur

LAC/BAC, RG 88, vol. 426

Copy/ Copie

[Ottawa,] 17th, August, 1897.

On the 2nd October, 1895, an Order in Council was passed creating the four new provisional districts of Ungava, Franklin, Mackenzie and Yukon, making an addition to the district of Athabasca and authorizing the introduction at the following session of Parliament of a Bill to extend the boundaries of Keewatin. At the end of the Order, it was declared that the whole of the unorganized and unnamed portions of Canada would thus be

¹⁵² This list omits the American expeditions led by Elisha Kent Kane, Isaac Israel Hayes, and Adolphus Washington Greely. Cette liste omet les expéditions américaines menées par Elisha Kent Kane, Isaac Israel Hayes et Adolphus Washington Greely.

divided into provisional districts. The Order was published in the *Canada Gazette* and was widely commented upon by all geographical publications and by many newspapers.

Shortly after, it was found that a serious blunder had been made in the description of the districts. Their limits extend only three geographical miles from the sea shore and as the districts are said to include the whole of Canada, it is thereby declared that Hudson Bay and all islands which are more than three miles from the shores of any sea, except those in the Arctic Sea, are no part of Canada.

I was directed to prepare new descriptions correcting this mistake but upon looking into the matter, it was found that except as to one of the districts the proposed division required legislation and in order to prepare the descriptions, it was necessary to know what form the legislation would assume.

Keewatin was the first district established; it was created in 1876 by the Act 39 Victoria, Chapter 21. It is administered by the Lieutenant Governor of Manitoba under the provisions of the said Act.

In May, 1882, an Order in Council¹⁵³ was passed creating the four provisional districts of Athabasca, Alberta, Assiniboia and Saskatchewan. So far as I am aware, there was no statute at the time authorizing the creation of Provisional Districts and I am not sure that there is any at present.¹⁵⁵

The division of Canada into Provisional Districts was completed by the recent Order in Council creating the four new districts.

There are now nine districts in Canada, eight of which are administered by the Lieutenant Governor of the North West Territories under the [North-West] Territories Act and one administered by the Lieutenant Governor of Manitoba under a special Act. Under these Acts, the Lieutenant Governor of the North West Territories is administering Ungava, but has no jurisdiction over Keewatin and the territorial revenues of Yukon District form part of the revenue of the North West Government although that Government does not incur any expenditure for the district.

Whatever reasons may have existed for these arrangements, it is evident that the present legislation has become obsolete. There is no reason why Keewatin should have a special Act and special laws rather than any other district. It is also evident that the provisions of the North West Territories Act are not suitable for the administration of remote districts. Therefore the time seems to have come when the Keewatin Act should be repealed and a

¹⁵³ For example, see, Par exemple, voir "New Districts in Canada," *Journal of the American Geographical Society of New York*, vol. 28, no. 4 (1896), pp. 393-394.

¹⁵⁴ Order-in-Council, Décret du Conseil 1882-982, approved on 8 May 1882, approuvé le 8 mai 1882. See/ Voir LAC/ BAC, RG 2, vol. 414.

¹⁵⁵ There was no legislation either in 1882 or afterwards. Sir John A. Macdonald explained his reasons for this in the House of Commons on 16 May 1882. See Canada, *House of Commons Debates*, 4th Parliament, 4th session, vol. 12, pp. 1567-1568.

Aucune loi n'a été adoptée en 1882 ou après. Sir John A. Macdonald a expliqué ses motifs à la Chambre des communes le 16 mai 1882. Voir Canada, *Chambre des communes. Débats*, 4^e législature, 4^e session, vol. 12, p. 1676-1677.

“Provisional Districts” Act substituted. What the provisions of the new Act should be is a matter for discussion between the Minister of the Interior and the Minister of Justice.¹⁵⁶

Respectfully submitted,

[E. Deville]
Surveyor-General.

The Deputy Minister of the Interior [James Smart].

82.
Draft Bill
Ébauche de projet de loi
LAC/ BAC, RG 15, vol. 629, file/ dossier 235355
Copy/ Copie

AN ACT TO PROVIDE FOR THE GOVERNMENT OF OUTLYING PORTIONS
OF THE DOMINION AND FOR THE ADMINISTRATION OF JUSTICE THEREIN.

1. This Act may be cited as “The Territories Act.”
2. (Interpretation).

PROVISIONS RELATING TO TERRITORIES GENERALLY.

3. The Governor in Council may, from time to time, by proclamation under the Great Seal of Canada, declare that from and after a day to be named in such proclamation any tract of country therein defined, forming part of the Dominion of Canada, and either
 - (a) not being within the limits of any Province or of any Territory of which the Government has already been organized, or
 - (b) being within the North-west Territories, but outside of the limits of the electoral districts therein, or within the District of Keewatin, or
 - (c) being composed of Territory partly of the one class (a) and partly of the other (b) shall form and be a separate Territory to be known by a name in such proclamation mentioned; and the Governor in Council may, in like manner, from time to time, alter the limits and extent of any such separate Territory.
4. Upon, from and after the day named in any proclamation so declaring as aforesaid, the tract of country therein defined shall constitute a separate Territory by the prescribed name and any Territory therein which has heretofore been within the North-west Territories, or the District of Keewatin, shall cease to form part of such Territories or District. [...]¹⁵⁷

¹⁵⁶ The Minister of Justice, Oliver Mowat, had such a bill drafted, but nothing more was found on this subject than an undated copy of the draft bill itself (see next document). Mowat was replaced in November 1897 by David Mills, who did not agree that legislation was necessary.

Le ministre de la Justice, Oliver Mowat, avait un tel projet de loi prêt, mais rien de plus n'a été trouvé à ce sujet qu'une copie non datée de l'ébauche elle-même (voir le document suivant). Mowat fut remplacé en novembre 1897 par David Mills qui n'était pas d'avis qu'une loi était nécessaire.

See/ Voir doc. 89.

¹⁵⁷ The draft goes on to provide for government by a Lieutenant Governor (either the territory's own Lieutenant Governor or the Lieutenant Governor of a province), with or without an advisory council, and for eventual representative government when the growth of population warranted it. The provisions regarding the creation of electoral districts are based on those in the North-West Territories Act, 38 Vict. (SC 1875) c. 49.

L'ébauche prévoit plus loin que le gouvernement soit assuré par un lieutenant-gouverneur (que ce soit le propre lieutenant-gouverneur du territoire ou le lieutenant-gouverneur d'une province), appuyé ou non par un conseil consultatif, et à terme, par un gouvernement représentatif lorsque la croissance

83.

Letter from Commander, Canadian Government Expedition, to Deputy Minister of Marine and Fisheries

Lettre du commandant, expédition du gouvernement du Canada, au sous-ministre de la Marine et des Pêcheries

LAC/BAC, RG 42, vol. 338, file/dossier 13205A

St. John's N.F.

28 September 1897

Sir,

My attention has just been called to an item in the telegraphic news of the day stating that "The London Mail laughs at the report of the Canadians hoisting the flag on Baffins Land and declares that the territory in question has long been in British possession".

I think it is well that the Minister should be informed promptly of what really did take place in this connection. As you are aware I was instructed to enquire into the extent to which trade was carried on in the territories North of Hudson Straits by aliens and others, and to firmly and openly proclaim our right to jurisdiction in all these British Territories. The special steps necessary to proclaim our sovereignty were left to my own judgement and discretion.

Following my instructions I arrived at Kekerton on the North Eastern shore of Cumberland Sound on the evening of Sunday the 15th August. I found here an extensive whaling establishment — on making enquiries from the officer in charge, a man from Aberdeen, where the owner of the station resided, I discovered that he was possessed of the idea that Baffins Land was under the jurisdiction of the Government of the United States. He had evidently come to hold this opinion because of the fact that United States citizens had for years been in undisturbed possession of sedentary whaling stations in Baffins Land — in fact the very station at Kekerton which he was master of had only recently been purchased from a United States firm doing business at New London Con[n]ecticut.

demographique le justifierait. Les dispositions relatives à la création de districts électoraux se fondaient sur celles de l'Acte des territoires du Nord-Ouest, 38 Vict. (SC 1875) c. 49.

¹⁵⁸ "The Grievance of America," and "Under the British Flag: A Baffin Land Story," *Daily Mail* (London: Londres), 27 September 1897, pp. 4, 5. A short news item summarizing these articles was widely reprinted in the Canadian press. Un court article de presse resumant ces articles fut largement rediffusé dans la presse canadienne. For example, see "Hudson Bay Navigation: Unfavourable Report of the Diana Party," *Mail and Empire* (Toronto), 27 September 1897, p. 6.

¹⁵⁹ This man, James Milne, worked for the Scottish firm of Noble Brothers. Noble Brothers had purchased the stations formerly run by the C. A. Williams Company of New London. See Wakeham, *Report of the Expedition to Hudson Bay and Cumberland Gulf in the Steamship "Diana"* (Ottawa: S. F. Dawson, 1898), pp. 74-75. Why Milne should have concluded that the existence of the Williams Company stations indicated American sovereignty over the area is difficult to understand, since Scottish firms had been active there for even longer, and to a greater extent. The first whalers to visit Cumberland Sound were William Penny and others from Scotland in 1840.

Cet homme, James Milne, travaillait pour l'entreprise écossaise Noble Brothers. Noble Brothers avait acheté les postes précédemment opérés par la C. A. Williams Company de New London. Voir William Wakeham, *Rapport de l'expédition à la Baie d'Hudson et au détroit de Cumberland à bord du navire "Diana" sous le commandement de William Wakeham* (Ottawa: Imprimeur de la Reine, 1898), p. 83.

⁸⁴ Il est difficile de comprendre pourquoi Milne serait arrivé à la conclusion que la présence de balemiers de la Nouvelle Angleterre indiquait une souveraineté américaine sur la région, puisque Noble Brothers et d'autres firmes écossaises y étaient actives depuis plus longtemps et dans une plus grande mesure. William Penny et d'autres Écossais furent les premiers balemiers à se rendre dans la baie Cumberland en 1840.

In view of this misconception as to the real ownership of this important territory, I deemed it my duty to openly and officially proclaim our Sovereignty – and I did this next morning by hoisting the Union Jack on shore before the people, and making the following declaration.

“I hereby declare in the presence of all now here assembled that I hoist the Union Jack as the open and notorious evidence that all this territory of Baffins Land – with all the adjacent territories and Islands – is now as it always has been since the time of its first discovery and occupation, under the exclusive sovereignty of Great Britain. God save the Queen.”

There was no attempt to attach or “take possession” of the territory once again – ‘de novo’ – but finding a population absolutely ignorant of whose flag they were under I took what seemed to me to be the simplest and most official way of informing them.

I have the honr to be Sir
yr obdt svt

W. Wakeham
Cmdr.

F. Gourdeau Esq.
Depty Mnster M. & F. Ottawa

84.

Letter from Permanent Secretary to the Admiralty to Under-Secretary of State for the Colonies

Lettre du secrétaire permanent de l'Amirauté au sous-secrétaire d'État aux Colonies
TNA, CO 42/849

Admiralty,
5th October 1897.

M8773

Sir,

With reference to your letter of the 9th ultimo, No. 16763/97, respecting the jurisdiction of Her Majesty over territory North of Hudson's Bay, I am commanded by My Lords Commissioners of the Admiralty to transmit, for the information of the Secretary of State, a copy of a report¹⁶⁰ by the Hydrographer of the Navy, on the subject, compiled from records in [this] office, together with a chart shewing when and by whom the various islands and seaboard areas of the continent were discovered.

2. As regards the despatch of a commissioned vessel to the waters north of Hudson Bay My Lords desire me to state that a wooden bottomed Man of war could without very much risk, though not without some risk, pass into Hudson's Strait and hoist the Flag on the Northern shores of the Strait and of Hudson Bay, but to go further north a vessel must be specially protected.

¹⁶⁰ The enclosure was a copy of the memorandum dated 8 September 1897, beginning with “La pièce jointe était une copie de la note datée du 8 septembre 1897, débutant avec ‘The whole of the territory north of Hudson's Bay to the parallel of 78° 30' North latitude.’” See/ Voir doc. 80.

3 My Lords would invite the attention of the Secretary of State to the correspondence that took place on Colonial Office letters of 24th November 1874 and 18th January 1879, in the latter of which the question was raised of bringing a Bill before Parliament with a view to include within the boundaries of Canada all the Territories of North America and adjacent Islands, (with the exception of the Colony of Newfoundland), belonging to Great Britain which were not already comprised within the Dominion.

4 This was not carried out and My Lords do not feel competent to offer an opinion, whether this method of proceeding could be adopted now,¹⁶¹ but if practicable, it would seem a more effective and simple way of declaring British Sovereignty, if such be necessary, than the slow and expensive one of sending a specially fitted vessel to hoist a Flag, an act which in itself might be construed to indicate that the territories in question have not been considered British hitherto. [...]¹⁶²

I am, Sir,

Your obedient Servant,

Evan MacGregor

The Under Secretary of State [Edward Wingfield]
Colonial Office

85.

Letter from Assistant Under-Secretary of State for the Colonies to Permanent Secretary to the Admiralty

Lettre du sous-secrétaire d'État adjoint aux Colonies au secrétaire permanent de l'Amirauté

TNA, ADM 1/7341

Downing Street,

14th October, 1897.

21726/97.

Sir,

I am directed by Mr Secretary Chamberlain to request that you will convey his thanks to the Lords Commissioners of the Admiralty for the information contained in your letter.

¹⁶¹ Marginal note/ Note marginale :

This was done by O in C. An Act of Parlt is not necessary. [Author unknown/ Auteur inconnu]

¹⁶² This letter and its enclosure were forwarded by the Colonial Office to the Governor General on 14 October. In Ottawa, the papers were referred to the Department of the Interior. The deputy minister, James Smart, then sent them to George Dawson, asking for his suggestions (Smart to Dawson, 16 October 1897, LAC, RG 15, vol. 742, file 448926). The Admiralty's statement that the 141st W meridian was the limit of Canada's possessions north of the continent no doubt influenced Dawson's recommendations with regard to the revision of the 1895 Order-in-Council. However, he and other Canadian officials were clearly not willing to accept the contention that 78° 30' N. latitude marked the northern boundary. See Dawson's remarks (doc. 86) on the omissions in the Admiralty memo.

Le ministère des Colonies a transmis cette lettre et sa pièce jointe au gouverneur général le 14 octobre. À Ottawa, les documents furent soumis au ministère de l'Intérieur. Le sous-ministre, James Smart, les envoya ensuite à George Dawson, lui demandant ses suggestions (Smart to Dawson, 16 October 1897, BAC, RG 15, vol. 742, dossier 448926). La déclaration de l'Amirauté selon laquelle le 141^e méridien ouest était la limite des possessions du Canada au nord du continent a sans aucun doute influencé les recommandations de Dawson à propos de la révision du décret de 1895. Cependant, lui et d'autres responsables canadiens ne désiraient visiblement pas accepter l'assertion que la latitude 78° 30' N. marquant la limite territoriale septentrionale. Voir les remarques de Dawson sur les omissions dans le note de l'Amirauté (doc. 86).

M.6773, of the 5th instant respecting the claim of Great Britain to the territory north of Hudson Straits and Hudson Bay.

With regard to the 3rd and 4th paragraphs of the letter under acknowledgment, I am to point out that all the Territories of North America and the adjacent islands, excepting Newfoundland, belonging to Great Britain, were annexed to Canada by an Order of Her Majesty in Council of the 31st July 1880, a copy of which is enclosed herewith, the Law Officers having advised that an Order in Council was sufficient for the purpose, and that an Act of Parliament was unnecessary.

I am Sir,

Your most obedient Servant,

John Bramston

The Secretary to the Admiralty [Evan MacGregor].

Minutes/ Notes

Read & noted. This O. in C., as it did not enumerate the territories & islands thereby annexed to Canada, does not form a title of itself, & leaves the question of what is or what is not British undecided. No further action seems required.

W.J. Wharton 20/10/97

Seen.

F. B[edford] 22.10.97

G.J. G[oschen] 24.10.97

86.

Letter from Director, Geological Survey, to Deputy Minister of the Interior
Lettre du directeur, Commission géologique, au sous-ministre de l'Intérieur
LAC/ BAC, RG 15, vol. 742, file/ dossier 448926

Ottawa, Nov: 20th, 1897.

Confidential

Dear Mr. Smart,

Replying to yours[†] of Nov: 16th, with which you transmit File No. 448926, referring to British (& Canadian) jurisdiction over the islands to the north of the Continental lands of North America, I may say that the subject is one to which I have given some attention and in regard to which some further action is in my opinion still desirable. No part of the world is now so inaccessible as to allow of its being classed in advance as valueless and discoveries might at any time occur which would render the possession of a perfectly clear title to any or all of the islands referred to, essential.

The subject is intimately connected with that of the division and nomenclature of the extra-provincial territories of the Dominion, upon which I have lately held several conversations with the Surveyor General, and in respect to which I believe he is preparing a report,[‡]¹⁶³ with the object of amending and simplifying the terms of the Order in Council lately passed, which in several respects appears to be indefinite and unsatisfactory.

¹⁶³ Not found./ Non retrouvé.

In 1877 or 1878, it was proposed, I believe on the initiative of the Hon. David Mills, to have the boundaries of Canada defined in terms of an Imperial Act.¹⁶⁴ This would have set all doubts at rest, so far as could be done by the open assertion of a well founded claim; but the project appears to have fallen through at the time. Whether the definition now proposed of the several new territorial divisions of Canada will be in all respects sufficient and satisfactory, is a subject for consideration. Personally I am inclined to think that this should be supplemented by an imperial act or Order in Council. There is already an O in C handing over all British Possessions in the northern part of North America (except Newfoundland) to Canada, but this should be supplemented by a precise statement of the boundaries of these possessions from the same source.

In conclusion, I may note that if the memorandum attached to the letter of the Secretary to the Admiralty of August 9th, last, should ever be employed as a basis of discussion or claim, it should in the first place be carefully examined and revised, as a cursory perusal of it leads me to think that several rather important omissions occur in it.

Yours truly,

George M. Dawson

J.A. Smart Esq.,

Deputy Minister of the Interior.

87.

Memorandum from Acting President of Privy Council to Governor General
Note du président par intérim du Conseil privé au gouverneur général

LAC/BAC, RG 2, vol. 748

[Ottawa]

On a Report¹⁶⁵ dated 10th December, 1897, from the Minister of the Interior [Clifford Sifton], stating that by Order in Council of the 2nd October 1895, the unorganized portions of Canada were divided into Provisional Districts, four new districts being created and changes made in the boundaries of one of the old districts.¹⁶⁶ It was further provided that at the next session of Parliament, a Bill should be introduced having for its object the addition

¹⁶⁴ Mills had presented the proposed address on the transfer of territory to the House of Commons on 3 May 1878. See Canada, *House of Commons Debates*, 3rd Parliament, 5th session, vol. 5, pp. 2386-2391. However, the initiative did not come from him. Mills avait présenté l'adresse proposée sur le transfert de territoire à la Chambre des communes le 3 mai 1878. Voir Canada, *Chambre des communes Debats*, 3^e législature, 5^e session, vol. 5, p. 2413-2418. Cependant, l'initiative ne venait pas de lui.

¹⁶⁵ Smart replied on 23 November that he would bring Dawson's letter to the attention of his Minister, Clifford Sifton (this letter is also in file 448926). No further documents on the background to the new Order-in-Council were found. Sifton, Dawson, and Devine may have discussed the matter in person, with no records being kept.

Smart a répondu le 23 novembre qu'il porterait la lettre de Dawson à l'attention de son ministre, Clifford Sifton (cette lettre est aussi au dossier 448926). Aucun autre document sur l'origine de ce nouveau décret n'a été trouvé. Sifton, Dawson et Devine pourraient avoir discuté de la question en personne, sans qu'aucun compte rendu n'ait été conservé.

¹⁶⁶ Sifton's original memo, in LAC, RG 2, vol. 3313, includes a Department of the Interior file reference (389977). This file apparently no longer exists. See Introduction: La note originale de Sifton dans LAC, RG 2, vol. 3313, fait référence à un dossier du ministère de l'Intérieur (389977). Ce dossier n'existe apparemment plus. Voir l'introduction.

¹⁶⁷ Athabasca.

of territory to the District of Keewatin. Shortly after the date of the above Order deficiencies were found in the descriptions of the district boundaries, and as doubts existed as to the form of the proposed amendments to the Keewatin Act, no steps were taken to carry out the directions of the Order.

The Minister recommends that the Order in Council of the 2nd of October, 1895, be cancelled, and that such legislation as may be necessary be introduced at the next Session of Parliament to authorize the division of the portions of Canada not comprised within any Province into nine Provisional Districts in accordance with the annexed description and map.¹⁶⁸

The Minister adds that should these recommendations be approved, the Districts of Assiniboia, Alberta, Saskatchewan and Athabasca will remain as they were established by the Order in Council of the 2nd October, 1895, and previous Orders, but the boundaries of Ungava, Keewatin, Mackenzie, Yukon and Franklin will be slightly changed.

The Committee submit the above recommendations for Your Excellency's approval.

R.J. Cartwright

Approved¹⁶⁹
Aberdeen
18.12.97

Enclosure/ Pièce jointe

DESCRIPTION OF PROVISIONAL DISTRICTS

KEEWATIN

The District of Keewatin (outlined pink on the map herewith) containing about 756,000 square miles bounded as follows:—

Beginning at the point where the eastern boundary of the Province of Ontario intersects the shore of the part of Hudson Bay commonly known as James Bay, the said eastern boundary being a line drawn due north from the head of Lake Temiscamingue; thence northerly along the middle of James Bay passing to the west of Charlton and the Twins Islands and to the east of Agoonska and Bear Islands to a point midway between Cape Jones and Cape Henrietta Maria; thence northerly through Hudson Bay in a direction to enter the strait between Coats and Mansfield Islands; thence north easterly along the middle of the straits between Mansfield, Nottingham and Mill Islands on the east and Coats and Bell Islands on the west to the middle of Fox Channel; thence north westerly through Fox Channel in a direction to enter Frozen Strait; thence along the middle of Frozen Strait and Repulse Bay to the head of the said bay; thence on a straight line to the nearest point of Committee Bay; thence northerly along the middle of the said bay and of the Gulf of Boothia, to a point opposite the middle of Lord Mayor's Bay; thence to and along the middle of Lord Mayor's Bay to the head thereof; thence on a straight line to the nearest point of Spence Bay; thence along the middle of the said bay to the middle of the waters dividing King William Land from the main land; thence along the middle of said waters to the hundredth meridian of longitude west of Greenwich; thence due south to the eighteenth correction line in the Dominion lands system of survey; thence easterly following the said correction line to the main channel of the Nelson River; thence southerly along the main

¹⁶⁸ Map 5 is based on this map/ La carte 5 se fonde sur cette carte.

¹⁶⁹ Order-in-Council: Décret du Conseil 1897-3388, *Canada Gazette*, 14 May 1898, p. 2613; p. 2650 (version française).

channel of the Nelson River and the northern and western shores of Lake Winnipeg to the northern boundary of the Province of Manitoba, thence easterly following the said northern boundary to the eastern boundary of the said Province, thence due south along the said eastern boundary to the northern boundary of the Province of Ontario, thence easterly following the said northern boundary to the place of beginning.

UNGAVA

The District of Ungava (outlined purple on the map herewith) containing about 456,000 square miles, bounded as follows:—

On the west by the District of Keewatin; on the south by the Province of Quebec, on the east by the territory under the jurisdiction of Newfoundland, on the north by a line drawn along the middle of Hudson Strait and a continuation of said line passing between Salisbury and Nottingham Islands to the eastern boundary of Keewatin. [—]

YUKON

The District of Yukon (outlined orange on the map herewith) containing about 198,300 square miles, bounded as follows:—

On the south by the Province of British Columbia and the United States territory of Alaska; on the west by the said United States territory of Alaska, on the north by that part of the Arctic Ocean called Beaufort Sea, on the east by a line beginning at the mouth of the most westerly channel of the Delta of the Mackenzie River, thence southerly, following the line of the water shed separating the streams flowing into the Arctic Ocean west of the place of beginning from those flowing into the Mackenzie River, to the line of the water shed between the basins of the Mackenzie and Yukon Rivers, thence following the said line of water shed to the line of the water shed separating the streams flowing into the Mackenzie River, or into the Liard River below the point where the said Liard River intersects the sixtieth parallel of latitude in approximate longitude one hundred and twenty-four degrees and twenty minutes west of Greenwich, from those flowing into the upper waters of the Liard River; thence following the said line of water shed to the northerly boundary of British Columbia, the said District to include the islands within twenty miles from the shore of the Beaufort Sea as far east as the meridian of the most westerly channel of the Delta of Mackenzie River.

MACKENZIE

The District of Mackenzie (outlined green on the map herewith) containing about 563,200 square miles, bounded on the west by the District of Yukon; on the south by the Province of British Columbia and the District of Athabasca; on the east by the District of Keewatin; and on the north by that part of the Arctic Ocean called Beaufort Sea, and by the middle of the straits between the main land of the continent on the south and Baring [Banks], Prince Albert, Wollaston and Victoria Lands on the north, the said district to include the islands within twenty miles of the shore of the Beaufort Sea as far west as the most westerly channel of the Delta of the Mackenzie River.

FRANKLIN

The District of Franklin (situated inside of the grey border on the map herewith) comprising Melville and Boothia Peninsulas, Baffin, North Devon, Ellesmere, Grant, North Somerset, Prince of Wales, Victoria, Wollaston, Prince Albert and Banks Lands, the Parry Islands and all those lands and islands comprised between the one hundred and forty-first meridian of longitude west of Greenwich on the west and Davis Strait, Baffin Bay, Smith Sound, Kennedy Channel and Robeson Channel on the east which are not included in any other Provisional District.¹⁷⁰

¹⁷⁰ The 1897 boundaries of Franklin were very similar to those in the 1878 joint address (doc. 24, enclosure), to which Dawson had referred in his letter to Smart (doc. 86). As in the 1878 address, the Colonial Office draft bill (doc. 29), the 1879 Admiralty map (map 3) and the recent Admiralty memo (doc. 80, memo by Tizard), the 141st W. meridian formed the western boundary of Canada north of the continent. In accordance with Deville's recommendation (see doc. 68), the far northern boundary was left undefined.

Les limites territoriales de 1897 de Franklin étaient très semblables à celles de l'adresse conjointe de 1878 (doc. 24, pièce jointe), à laquelle Dawson faisait référence dans sa lettre à Smart (doc. 86). Comme dans l'adresse de 1878, l'ébauche du projet de loi du ministère des Colonies (doc. 29), la carte de l'Amirauté de 1879 (carte 3) et la récente note de l'Amirauté (doc. 80, note de Tizard), le 141^e méridien ouest formait la limite territoriale occidentale du Canada au nord du continent. Conformément à la recommandation de Deville (voir doc. 68), la limite territoriale la plus au nord était laissée indéfinie.

PART TWO/ DEUXIÈME PARTIE

1898-1918

88.

Letter from J.E. Bernier to Prime Minister

Lettre de J.E. Bernier au premier ministre

LAC/ BAC, MG 26 G, vol. 68

Quebec, 5 Mars, 1898.

Sir Wilfrid Laurier

Premier Ministre du Canada.

Honorable Monsieur,

Je vous envoie par la malle le projet et plan* d'une expedition au Pôle nord par votre humble serviteur.

Ce projet est à mon étude personnelle depuis le voyage de la "Jeannette" 1879, c'est un résumé de tout les expéditions au Pôle Nord.

Je compte sur la derive des glaces dans le bassin polaire pour m'aider à le franchir pendant l'espace de 2 été et 1 hiver avec l'aide de chiens et rennes et 8 hommes de bonne constitution.

J'espère rapporter au Canada ce fruit tout desiré depuis si longtemps et définir ce coin de l'Océan non connu. Je considère que le fruit est mûr et prêt à être recueilli et quelle honneur pour vous d'avoir un de vos compatriotes pour vous rapporter ce fruit

Je me souscris votre très humble serviteur

Capt. J.E. Bernier

Bernier also sent copies of his proposal (which involved a drift from Siberia to Spitsbergen, following the famous plan for Fridtjof Nansen's 1893-1896 expedition in the *Fram*) to Clifford Sifton and Sir Louis Davies. Sifton referred the matter to George Dawson, who reported that the plan might have a fair likelihood of success, but the route lay entirely outside of Canadian territory and the expedition would cost a large amount of money.

Bernier envoya aussi des copies de sa proposition (dans laquelle il prévoyait dériver de la Sibirie jusqu'à Spitsberg, suivant le célèbre plan de l'expédition Fridtjof Nansen de 1893-1896 à bord du *Fram*) à Clifford Sifton et à sir Louis Davies. Sifton a soumis l'affaire à George Dawson, qui a estimé que le plan pourrait probablement réussir, mais que son tracé passait entièrement hors du territoire canadien et que l'expédition entraînerait des coûts considérables.

See/ Voir LAC/ BAC, RG 15, vol. 745, file: dossier 462949; RG 42, vol. 52, file: dossier 14981.

See/ Voir Emma De Long, ed., *The Voyage of the Jeannette: The Ship and Log Journals of George W. De Long* (Boston: Houghton Mifflin, 1884).

89.

Memorandum from Minister of Justice to Privy Council**Note du ministre de la Justice au Conseil privé***LAC/ BAC, RG 2, vol. 5238*

Ottawa, 4th November 1898.

To His Excellency the Governor General in Council:

There has been referred to the undersigned a memorandum³ of the Minister of the Interior [Clifford Sifton], dated 8th October last, submitting to Your Excellency in Council a report⁴ from the Surveyor General in which that officer calls attention to certain discrepancies existing in the territorial divisions of the portion of Canada lying outside of the Provinces, and to the necessity of legislation for correcting such discrepancies and in order to provide for the administration of the unorganized provisional districts. The Minister of the Interior, concurring in the suggestions of the Surveyor General, recommends that the matter be referred to the undersigned in order to [provide for] the preparation of such bills as it may be necessary to introduce at the next session of Parliament.

The undersigned has procured from the Department of the Interior copies of the several Orders-in-Council referred to in the report of the Surveyor General, and also a copy of the map showing the several territorial divisions, which the Surveyor General refers to as attached to his report. Upon examining the papers now before him the undersigned observes that certain questions of policy will require to be settled by Your Excellency in Council before the nature and scope of the legislation necessary in the premises can be determined.

In the first place, as to the District of Keewatin, it does not seem clear whether or not Your Excellency has considered the propriety of repealing the Keewatin Act.

Then as to the Yukon Territory, the undersigned does not think that it would be wise to change the boundaries of the territory as established by the Act⁵ of last session unless there is some important object to be served by so doing, and so far as he is able to judge from the material before him he would not suppose that there was a sufficient reason for such a change. All that is necessary in this regard, if there is necessity for any action, could apparently be [e]ffected by a change in the boundaries of the Provisional District of Mackenzie.

[...]

With respect to the paragraph in the Order-in-Council of 18th December last providing for the introduction of such legislation as may be necessary to authorize the division of the Territories of Canada not comprised within any Province into nine Provisional Districts in accordance with the description and map annexed to that report, the undersigned observes that the division into Provisional Districts has so far been made merely as a matter of convenience, or, as it is expressed in the Orders-in-Council of the 8th May, 1882 and 2nd October, 1895 "for the convenience of settlers and for postal purposes". If nothing more than this is intended the undersigned does not consider that any legislation is necessary in order to vest in Your Excellency in Council the power of making the proposed division. The memorandum of the Minister of the Interior and the report of the Surveyor General

³ Not found./ Non retrouvée.

⁴ Doc. 81.

⁵ Yukon Territory Act/ Acte du Territoire du Yukon, 61 Vict. (SC 1898) c. 6.

refer to the necessity of legislation for the administration of the unorganized provisional districts. No intimation, however, is given as to what should be the nature or scope of such legislation. The undersigned would point out that before proper instructions can be given for the drafting of a bill dealing with this subject it is essential that Your Excellency in Council should decide at least as to the general principles upon which the legislation is to proceed. As an example of what might be done the undersigned may state that there was prepared last year in his Department a draft bill,⁶ under the provisions contained in which the Governor in Council would have power from time to time by proclamation to set apart as a separate territory any tract of country in the outlying parts of the Dominion and a scheme of Government was defined which would come into operation upon the establishment of any such territory.

When the principles of any legislation which may be considered necessary are decided upon, the undersigned thinks that the Law Clerk of the House of Commons, or the Law Clerk of the Senate should be instructed to prepare drafts of such bills as may be required, which, when prepared, may be sent to this Department for consideration and revision.

Respectfully submitted,

David Mills
Minister of Justice

90.

Memorandum from Surveyor General to Deputy Minister of the Interior

Note de l'arpenteur général au sous-ministre de l'Intérieur

LAC/BAC, RG 88, vol. 427

Copy/ Copie

[Ottawa,] 28th, October, 1899.

P.C. Ref. 2791, dated the 4th November last, referred to the Minister of the Interior, is a report from the Minister of Justice on the boundaries of the Provisional Districts and the legislation required in that connection. This report is a reply to the memorandum of the Minister of the Interior to Council dated the 8th October 1898 dealing with the same subject.

1. The Minister of Justice observes that certain questions of policy will require to be settled by Council before the nature and scope of the legislation necessary in the premises can be determined. In the first place, as to the District of Keewatin, it does not seem clear whether or not Council has considered the propriety of repealing the Keewatin Act.

The argument urged for repealing the Keewatin Act is that the time is past when a special Act was required for the District of Keewatin and that there is no reason why it should not be administered under the provisions of a general Act applying to all the outlying portions of the Dominion. The necessity for such legislation will soon be urgent.

2. As to the Yukon Territory, the Minister does not think that it would be wise to change the boundaries of the Territory as established by the Act of the last session unless there is some important object to be served by so doing, and so far as he is able to judge from the material at his disposal he would not suppose that there was a sufficient reason for such a change.

⁶ Doc. 82.

The description of the boundaries of the Yukon Territory contained in the Yukon Territory Act is exceedingly defective. That is particularly the case for the boundary between the Yukon and the Mackenzie District [...]

This description was based upon some erroneous assumption[s] as to the configuration of the country and the course of [the] Peel River. [...]

4. With respect to the paragraph of the Order in Council of 18th December 1897 providing for the introduction of such legislation as may be necessary to authorize the division of the Territories of Canada not comprised within any Province into nine Provisional Districts in accordance with the description and map annexed to that report, the Minister of Justice observes that the division into Provisional Districts has so far been made merely as a matter of convenience, or, as it is expressed in the Orders in Council of the 8th May, 1882 and 2nd October, 1895 "for the convenience of settlers and for postal purposes". If nothing more than this is intended, the Minister does not consider that any legislation is necessary in order to vest in His Excellency in Council the power of making the proposed division.

Although not necessary, it is respectfully submitted that such legislation is highly desirable in order to prevent the complications which cannot fail to arise from having two Districts of Keewatin, one constituted by an Act of Parliament and another one much larger, created by Order in Council.

5. Referring to the legislation suggested for the administration of the unorganized Provisional Districts, the Minister of Justice observes that no intimation is given as to what should be the nature or scope of such legislation. He would point out that before proper instructions can be given for the drafting of a bill dealing with this subject, it is essential that His Excellency in Council should decide at least as to the general principles upon which the legislation is to proceed. As an example of what might be done, the Minister states that there was prepared last year in his Department a draft bill, under the provisions contained in which the Governor in Council would have power from time to time by proclamation to set apart as a separate territory any tract of country in the outlying parts of the Dominion and a scheme of Government was defined which would come into operation upon the establishment of any such territory.

[...]

The twenty sections at the beginning of the draft bill referred to by the Minister of Justice would appear to meet the object in view. If approved, steps might be taken for having the Law Clerk of the House of Commons or the Law Clerk of the Senate instructed to prepare drafts of the bills required which, when prepared, would be sent to the Department of Justice for consideration and revision.⁷

Respectfully submitted,

[E. Deville]
Surveyor-General.

The Deputy Minister of the Interior [James Smart].

⁷ Minister Sifton did not submit a new memorandum to Council. In 1901, Deville again pushed for legislation, but without success. Le ministre Sifton n'a pas soumis de nouvelle note au gouverneur en conseil. En 1901, Deville fit de nouveau pression pour obtenir une loi, mais sans succès. See/ Voir LAC/ BAC, RG 15, vol. 629, file/ dossier 235355.

91.

Letter from Officer Commanding "G" Division, North-West Mounted Police, to
Comptroller

Lettre de l'officier commandant la Division « G », Gendarmerie à cheval du Nord-
Ouest, au contrôleur

LAC/ BAC, RG 18, vol. 314, file/ dossier 1906-177

Fort Saskatchewan,

May, 28th. 1900.

Sir,--

RE SMUGGLING [AT] MOUTH OF MACKENZIE RIVER.

In accordance with your letter† of the 8th inst., I have made all possible inquiries re the above.--

I find that there is no doubt that a large trade is done not only by American whalers, but also, by ships regularly equipped for this trade.

Mr W H Connors, a free trader on the Mackenzie river, informs me, that he personally saw in Liverpool bay last year, an American vessel of 250 tons, a trader (not a whaler), who was doing a large trade with the Esquimaux and Slavey Indians, to the detriment of both his and the H.B. trade.

This man whom I have known for several years, and who is a most intelligent man, also, tells me that owing to these traders paying no duty and also bringing their goods direct by sea, have every advantage over the Canadian traders[.] for instance say for an article which the Canadian trader could not sell under \$13.00 these traders sell for about half or \$6.00. As to the facilities of travel between [Fort] Macpherson and [the] mouth of [the] Mackenzie they are practically nil, (only Esquimaux canoes), and would have to be created[:] he further says that the expense of getting in a party would be enormous and that if they did so they would be of no use without a stout steamer, as to obtain a proper control of this traffic a number of bays and mouths of rivers would have to be visited, which as you will see could not be done without a steamer or swift sailing vessel.

In his opinion the cheapest and best way would be to send in a cruiser by way of Behring sea, able to carry six months coal and everything needed.

The trading done is for furs, whalebone, oils etc.

The trade properly belongs to Canada and the time has fully arrived when it should be looked after and if this were done it would soon pay all expenses to say nothing of upholding Canadian prestige.

I have the honour to be,

Sir,

Your obedient servant,

A.H. Griesbach Supt.,
Commanding "G" Division.

The Comptroller [Frederick White],
N.W. Mounted Police,
Ottawa, Ont.

92.

Letter from Director, Geological Survey, to Minister of the Interior
Lettre du directeur, Commission géologique, au ministre de l'Intérieur
LAC/BAC, MG 27 II D-15, vol. 79

Ottawa, Dec: 18th, 1900.

Dear Mr. Sifton,

Mr. J.M. Bell who has spent some eighteen months in the Mackenzie River district on work connected with this Survey, and who last summer visited Fort Norman and explored the coast of Great Bear Lake, etc., has lately returned here. In conversation he informed me that the American whalers who had formerly made their headquarters at Herschell Island, had now moved to a point east of the mouth of the Mackenzie River and were carrying on trading enterprise there to the great detriment of the natives.

Mr. Bell did not I understand come personally in contact with these whalers or traders on the coast, but I asked him to address a short letter to me on the subject stating what he knew or had heard, copy of which is enclosed herewith.

I thought it would be right to take the liberty of drawing your attention to this matter, in view of the great amount of misery and destruction of life amongst the Esquimaux of Alaska caused by these same whalers in the operation of their methods of trade amongst the natives. It is also clear that these people while paying no customs duties must interfere to a considerable extent with the legitimate trade of the Hudson Bay Co., in this northern region. I have no doubt that, if this has not already been done, a report on the subject giving some definite particulars might be obtained from the Commissioner of the Hudson Bay Co., at Winnipeg, who must be aware of the facts.

Yours faithfully,

George M. Dawson

The Hon: Clifford Sifton, M.P.,
Minister of the Interior,
Ottawa.

Enclosure: Letter from James Mackintosh Bell to Director, Geological Survey
Pièce jointe : Lettre de James Mackintosh Bell au directeur, Commission géologique
Copy/ Copie

Ottawa, 14th, Dec. 1900.

Dr. G.M. Dawson, C.M.G., F.R.S., &c.,
Dir. Geological Survey
Ottawa.

Dear Sir,

In reply to your inquiries, regarding the present position of the American whalers, who were form[er]ly located at Herschell Island, near the mouth of the Mackenzie River. I would say that while staying at several of the settlements on the Mackenzie River, I heard that the whalers had moved eastward and had established a large trading Post near the mouth of the Anderson River. From this place, as a centre, they intended to extend their operations still further to the eastward. Their chief article of trade with the natives is said to be whiskey. The Esquimaux and Northern Indians, who now visit the whalers, formerly

traded with the Hudson's Bay Company at their Posts, either at Fort MacPherson or Fort Good Hope.

I am, Sir,
Yours respectfully,
[J.M. Bell]

93.

Memorandum from Minister of the Interior to Comptroller, North-West Mounted Police

Note du ministre de l'Intérieur au contrôleur, Gendarmerie à cheval du Nord-Ouest
LAC/BAC, MG 27 II D-15, vol. 115

Ottawa, 22nd January, 1901.

Mr. Fred. White,

I attach a memorandum from Mr. Smart. I may say that I have also received information from Dr. Dawson of the Geological Survey that American traders come in from the North to trade with the Indians; they pay no customs duties and they give the Indians liquor. I think we ought to have a Police post at the mouth of MacKenzie River or somewhere in that neighbourhood. Please let me have your views.

Clifford Sifton

Enclosure: Memorandum from Deputy Minister of the Interior to Minister of the Interior

Pièce jointe : Note du sous-ministre de l'Intérieur au ministre de l'Intérieur

Ottawa, 12th January, 1901.

Memorandum: Mr. Sifton.

Mr. Connors, who is a trader in the Mackenzie River country, having four posts of his own, called on me yesterday, and in conversation he informed me with respect to the Arctic Traders who come in to the mouth of the Mackenzie River from San Francisco with large supplies of goods to trade with the Indians. Mr. Connors, though not complaining of the fact that these men were allowed to bring their goods into Canada without paying any duty, felt that he was rather at a disadvantage in his business in consequence of this being permitted, as they moreover had the advantage of bringing their goods from San Francisco by steamer or sailing vessel, whereas he was obliged to take his in by rail and overland and the water route to his posts.

I feel sure that if you desire it Mr. Connors would be glad to give fuller information with regard to this matter.

Jas. A. Smart

94.

Memorandum from Comptroller, North-West Mounted Police, to Minister of the Interior**Note du contrôleur, Gendarmerie à cheval du Nord-Ouest, au ministre de l'Intérieur
LAC/BAC, MG 27 II D-15, vol. 115**

Ottawa, 23rd January, 1901.

MEMO RE TRADING AT THE MOUTH OF THE MACKENZIE RIVER.

For the last two or three years Mr. Oliver M.P., has urged the extension of Police jurisdiction to the mouth of the Mackenzie River and Herschel Island (about 1900 miles north of Edmonton). During last session he brought the matter to the attention of the Minister of Customs, who sent for me to give such information as I had in my possession. After fully discussing the situation the Minister decided to allow the subject to remain over for another year, as it was evident that whilst the cost would be enormous, the Customs Revenue would not exceed a few thousand dollars.

I receive periodically from San Francisco information respecting the Arctic Fleet, which so far I have simply compiled for reference when required.

The whalers start from San Francisco and remain away an average of about three years, their supplies being replenished, and their catch of furs, whalebone, oil &c., brought back to San Francisco by tenders which are sent out specially for that purpose.

The trading at the mouth of the Mackenzie River could be controlled only by a fast steam vessel capable of keeping watch over Herschel Island, and [over] the whalers trading with the Esquimaux on the various islands, bays, and rivers emptying into the Arctic Ocean. In May last Supt. Griesbach interviewed Mr. W.H. Connors at Edmonton, who expressed his opinion that the cheapest and best mode would be to send in a cruiser, by way of Behring Sea, able to carry six months coal and everything needed.

I had a scheme for a Police Officer to spend a year at Herschel Island and vicinity, but realized that he would be without means of transportation, and entirely dependent upon the whalers whose trade he would have to watch.

Then with regard to the Mackenzie River itself[,] Mr. Connors informed Supt. Griesbach that the facilities of travel between McPherson and the mouth of the Mackenzie were practically nil, except for Esquimaux canoes; that the expense of getting in a party would be enormous.

Our most northerly Police Post is at Fort Resolution, about 845 miles north of Edmonton, and from year to year we are pushing still further north. If I can get authority for the necessary expenditure, I would like to send an officer by the H.B. Steamers about the end of May next, with instructions to gather all the information he can respecting the trading being done, and the various channels between Fort McPherson and the mouth of the Mackenzie; and either return in the autumn or remain during the winter, as he may deem best in the public interest.

Police have already proceeded from Dawson, via the Yukon and Porcupine Rivers, to Fort McPherson, and returned to Dawson within one season. I have no doubt that in the early future we shall have Police scattered between the Yukon and the mouth of the Mackenzie River, either directly across country, or via the Stewart and Peel Rivers; and by degrees we shall also secure control of the trade in Mackenzie Bay. It is certainly desirable

that Canada should assert her authority in the Arctic Ocean, but it is questionable whether the results would justify the expenditure, at present.

Respectfully submitted.

Fred' White
Comptroller.

95.

Letter from J.E. Bernier to Minister of Marine and Fisheries
Lettre de J.E. Bernier au ministre de la Marine et des Pêcheries
LAC/ BAC, RG 42, vol. 52, file/ dossier 14981

Hotel Cecil, Ottawa, 18th.Feb.1901.

Honorable Sir,

Would you be kind enough to grant me a few minutes of an interview with regard to my proposed expedition, there being some points in connection therewith that I would like very much to explain to you.

I may say that the plan I propose was recently approved of and strongly endorsed in England,⁸ and the Canadian people are now becoming most interested in it.

I trust you [will] be good enough to appoint some time and place which it would be convenient for you to see me, for which I shall be most grateful.⁹

I remain,

Your obedient servant,

J.E. Bernier

Sir L.H. Davies, K.C.M.G.,
Minister of Marine & Fisheries of Canada

96.

Memorandum from Chief Engineer, Department of Marine and Fisheries, to Minister of Marine and Fisheries
Note de l'ingénieur en chef, ministère de la Marine et des Pêcheries, au ministre de la Marine et des Pêcheries
LAC/ BAC, RG 42, vol. 52, file/ dossier 14981

RE CAPTAIN BERNIER'S PLAN.

Captain Bernier's proposition is that the Canadian Government should build him a ship and fit out an expedition by which he should reach the North Pole, by way of Bering sea, sailing his vessel as far north as possible into the pack ice and allowing her to drift with the Arctic current. This is practically the same plan adopted by Nansen on his last voyage, except that Bernier would enter the ice much farther East than Nansen did, whereby he would expect to be carried farther North.

⁸ See Voir "A Canadian Polar Expedition," *Journal of the Royal Canadian Institute*, vol. 32 (1900), pp. 177-181.

⁹ Marginal note/ Note marginale :

Refer to Col Anderson for Report. L.H. D[avies]

The object to be attained by such an expedition is entirely scientific. Of practical results there will be none, unless the fame attending a successful expedition to the pole, under the Canadian Government, might be considered a practical result. From the soundings taken by Nansen, it is practically certain that the pole is covered by deep water and that no land will be found in its vicinity, although Captain Bernier is quite right in anticipating that unknown islands may be found off the coast of Siberia.

Captain Bernier's plan appears to be favourably received by the authorities best able to form a judgment in the matter. It may be described as an eclectic plan. He has selected the methods which have proved most successful in previous expeditions and takes advantage of all the resources of modern science.¹⁰

W.P. Anderson]

[Ottawa,] 12-3-01.

97.

Letter from J.E. Bernier to Minister of Marine and Fisheries
Lettre de J.E. Bernier au ministre de la Marine et des Pêcheries
LAC/BAC, RG 42, vol. 52, file/ dossier 14981

Hotel Cecil, Ottawa, 24th. April, 1901.

Hon. Sir L.H. Davies, K.C.M.G.,
 Minister of Marine & Fisheries.

Honourable Sir,

Since our conversation of the other day, I have put into action, the suggestion you made with regard to public subscriptions; and on Saturday last I interviewed Mr. Clouston the General Manager of the Bank of Montreal, and he has kindly consented to have the Bank of Montreal receive all deposits in favour of my proposed Polar Expedition for Canada. Many other banks have also taken up the matter and circulars have been sent to the various banks throughout the Dominion and each bank has opened a subscription list so that our nation may have the opportunity to subscribe at will.

I trust that you will be good enough to do what lies in your power in favour of this expedition and that ere long the earnestness and sincerity of my endeavours will reap its reward by the encouragement and favour of the present Dominion Government.

Your obedient servant,

J.E. Bernier

¹⁰ Marginal note:/ Note marginale :

Report to Council for its consideration his application. The Gov^t is supposed to defray all the expence which we estimate may reach \$140,000. L.H. D[avies]

A draft memorandum for Council was prepared. It did not recommend either acceptance or rejection of Bernier's application. Davies then decided that there was no need for a memo because the matter had not been referred to him by Council. See draft memo, 12 April 1901, with marginal note by Davies, also in file 14981.

Une ébauche de note au Conseil fut préparée. Elle ne recommandait ni l'acceptation ni le rejet de la demande de Bernier. Davies décida ensuite qu'il n'était pas nécessaire de soumettre une note parce que le Conseil ne l'avait pas saisi du dossier. Voir l'ébauche de note, 12 April 1901, avec une note en marge de Davies, aussi au dossier 14981.

98.

Letter from J.E. Bernier to Minister of Marine and Fisheries
 Lettre de J.E. Bernier au ministre de la Marine et des Pêcheries
LAC/ BAC, RG 42, vol. 52, file/ dossier 14981

Hotel Cecil, Ottawa, 13th. May, 1901.

Sir L.H. Davies, K.C.M.G.,

Minister of Marine & Fisheries, Ottawa.

Honourable Sir,

Referring to our recent conversation and your previous advice, I have seen several leading Canadians with a view towards obtaining subscriptions in favour of the proposed Canadian North Pole Expedition.

I may say that the Gov. Gen'l, Lord Minto has subscribed, and I have just received a letter from Lord Strathcona, in which he states he has been pleased to accept the Presidency of the Expedition referred to, further stating that he will be prepared to subscribe an amount so soon as I notify him. Mr. Howland, the mayor of Toronto, writes me that he is doing all he can for this National cause. Already several prominent Canadians have subscribed sums varying from \$1000.00 to \$500.00, whilst others have subscribed smaller amounts of from \$100.00 to even \$10.00 and \$5.00, which goes to show how the matter is taken up patriotically.

Amongst some of the gentlemen who have already subscribed, I might mention F.H. Clergue, D.D. Mann, Wm. C. Edwards, M.P., J. Bellew, Major Levasseur, Chevalier Baillarge, and others, there are also several influential commercial men who have promised supplies and provisions such as may be required for the outfit.

I consider that from the above you will agree with me that the outlook is bright from a public standpoint, and all the leading banks and newspapers in Canada have subscription lists and report good prospects for the cause. I trust therefore that you will be good enough to do all you can to aid towards a successful issue.

For my part I give heart and soul to it.¹¹

Most respectfully,

J.E. Bernier

Marginal note/ Note marginale :

Submitted to Council. No action unless at least \$60,000 subscribed by private subscriptions, & then Gov't may consider. L.H. D[avies]

Bernier's fund-raising campaign produced only \$20,000 in subscriptions. See Yolande Dorion-Robitaille, *Captain J.E. Bernier's Contribution to Canadian Sovereignty in the Arctic* (Ottawa: Department of Indian and Northern Affairs, 1978), p. 30. La campagne de financement de Bernier n'obtint que 20,000 \$. Voir Yolande Dorion-Robitaille, *Le capitaine J.E. Bernier et sa contribution au Canada dans l'Arctique*, Ottawa, Affaires indiennes et du Nord, 1978, p. 30.

99.

Letter from Comptroller, North-West Mounted Police, to Commissioner
Lettre du contrôleur, Gendarmerie à cheval du Nord-Ouest, au commissaire
LAC/ BAC, RG 18, vol. 235, file/ dossier 1902-296
Copy/ Copie

Ottawa, 26th March 1902.

Dear Major Perry,

I would much like to develop our patrol north from Edmonton, and at the same time make connection, via the Porcupine, with the Yukon. You and I have already discussed the trading which is going on at the mouth of the Mackenzie. We ought in this respect to be met more than half way by the Customs Dept., but so far the only view they can take of it is that the revenue would not justify the expenditure.

After careful consideration I think our best plan will be to push ahead to the mouth of the Mackenzie and establish a Police Detachment at or in the vicinity of Fort McPherson. From McPherson we can cross the Portage, take the Porcupine down stream to the Forks, and thence up the Yukon to Dawson. This is a round-about way, but, like everything else in connection with the Police, we must make a beginning. I am satisfied that it will not be long before a route will be found via the Peel River to the head-waters of one of the streams flowing into the Yukon. Any way we had better make a start.

[...]¹²

Yours very truly,

[Frederick White]

Major A.B. Perry,
 Regina, N.W.T.

100.

Letter from Officer Commanding White Horse District, North-West Mounted Police, to Comptroller
Lettre de l'officier commandant le district de White Horse, Gendarmerie à cheval du Nord-Ouest, au contrôleur
LAC/ BAC, RG 18, vol. 314, file/ dossier 1906-177

White Horse, 4th. April, 1902.

The Comptroller [Frederick White],
 N.W. Mounted Police,
 Ottawa.

Sir,

I have the honour to report, in connection with whaling matters East of the 141st. parallel, or in Canadian waters, that I have very little information regarding the movements of the whaling fleet in the Arctic, beyond what is already in the hands of the Department. The chief information is that the Pacific Steam Whaling Co., have decided not to winter in

¹² White's plan was not carried out in 1902 because of the number of police who participated in the Boer War. Le plan de White ne fut pas réalisé en 1902 en raison du nombre de policiers qui participèrent à la Guerre des Boers. See/ Voir White to C.C. Chipman, 22 May 1902, also in file/ aussi au dossier 1902-296.

the Arctic in future, as the cost of wintering is not compensated by the returns. Only two small Schooners, the "Penelope" and the "Altair", intend wintering in the Arctic the coming season, and it is probable that they will be in the vicinity of Bailey Island, as the "Penelope" had done last year. I had a long talk with Captain M.A. Healy, late of the [United States] Revenue cutter "Bear", and now in command of the San Francisco Naval District and Harbour works, who informed me that the whiskey traffic among the whalers had been practically stamped out, that only some two vessels carried any liquor, and they operated chiefly on the Siberian coasts. The whaling industry has fallen off considerably, and lost vessels are seldom replaced.

I enclose for your information a book giving a list of vessels and the officers composing the whaling fleet.¹³

I have the honour to be,

Sir,

Your obedient Servant,

C. Constantine Supt.,

Commanding White Horse District.

101.

Letter from Curator of Mammalogy and Ornithology, American Museum of Natural History, to Madison Grant

Lettre du conservateur de la mammalogie et de l'ornithologie, Musée américain d'histoire naturelle, à Madison Grant

LAC/ BAC, RG 15, vol. 742, file/ dossier 448926

American Museum of Natural History,
New York City, Nov. 15, 1902.

Madison Grant, Esq.¹⁴

11 Wall St., N.Y. City.

Dear Mr. Grant:-

I have been recently informed that 700 Musk-ox hides have been taken out of the country bordering Repulse Bay for commercial purposes. They are sold here by the collectors at the paltry sum of \$15.00 each. It seems a great pity that this fine beast should be sacrificed in this whole-sale manner, and for such a paltry return.

My informant, whose name I do not care now to make public, is a whaling master, who has just returned from his last cruise with 400 musk-ox hides, and says he knows of 300 others brought out this year by another whaling Captain. He says a few years more will practically suffice to exterminate the species in the northern Hudson Bay region, unless something is speedily done to stop the killing.¹⁵

Very truly yours,

J.A. Allen

Curator.

¹³ On Constantine's 1902 assignment in the Yukon, see also: A propos de l'affectation de 1902 de Constantine au Yukon, voir aussi LAC/ BAC, RG 18, vol. 232, file dossier 1902-195.

¹⁴ Grant forwarded this letter to the Department of the Interior. Grant envoya cette lettre au ministère de l'Intérieur.

¹⁵ Marginal note:/ Note marginale :

M^r Fred White

Do you know anything of this - Please give me what information you can get. C. S[ifton]

102.

Letter from Comptroller, North-West Mounted Police, to Minister of the Interior
Lettre du contrôleur, Gendarmerie à cheval du Nord-Ouest, au ministre de l'Intérieur

LAC/ BAC, RG 15, vol. 742, file/ dossier 448926

Ottawa, 27th November, 1902.

Dear Mr. Sifton,

Repulse Bay is in the North-west corner of Hudson's Bay, between Melville Peninsula and Southampton Island, a long way beyond Police jurisdiction or supervision, and, I think, also beyond the ramifications of the H.B. Company.

If as many as 1400 Musk-ox hides can be brought out from one point in one year, by American Whalers, it rather emphasizes the urgency for the assertion of Canadian sovereignty over our far northern waters – not only those reached via Hudson's Bay Straits in the East, but also via Behring Straits in the West.

May I suggest that you refer the enclosed note¹⁶ to the Director of the Geological Survey for enquiry, as it is possible that some of their explorers may have heard of herds of musk-ox on the far North-western shore of the Hudson's Bay.

Yours faithfully,

Fred^f White

The Hon. Clifford Sifton,
 Minister of the Interior,
 Ottawa.

103.

Letter from Acting Director, Geological Survey, to Minister of the Interior
Lettre du directeur par intérim, Commission géologique, au ministre de l'Intérieur

LAC/ BAC, RG 15, vol. 742, file/ dossier 448926

Ottawa, December 1st, 1902.

Dear Mr. Sifton,

Referring to the subject of the musk-ox in the region around Repulse Bay, as discussed in the letter of Mr. J.A. Allen to Mr. Madison Grant, both of New York, and in that of Col. Fred White to yourself, and on which you request information, I would say that I have been long familiar with the fact that the musk-ox inhabits the region around Repulse Bay and ranges as far south as Chesterfield inlet.

During the sittings of the Select Committee of the Senate on "The Great McKenzie Basin", of which the late Sir John Schultz was chairman, during the session of 1888, I gave evidence on this subject and furnished the Committee with a map showing the range of this animal and this map is published opposite page 310 of the committee's report.¹⁷

¹⁶ Doc. 101.

¹⁷ "Report of the Select Committee of the Senate Appointed to Enquire into the Resources of the Great Mackenzie Basin," Canada, Senate, *Journals of the Senate*, vol. 22, 1888, appendix no. 1./ « Rapport du Comité sénatorial chargé de faire une enquête sur les ressources du grand bassin du Mackenzie », Canada, Sénat, *Journaux du Sénat*, vol. 22, 1888, appendice n° 1.

In 1878 and 1879 I saw considerable numbers of musk-ox skins traded by the Eskimos to the Hudson's Bay Company at Fort Churchill. At that time and until a few years ago, this company also sent a small vessel north every summer to trade, principally for these skins, with the Eskimos along the north-west coasts of Hudson Bay. For the last few years the trade has fallen into the hands of the Americans, who have established posts in that part of Canada in order to fit out and encourage the natives to kill the musk-ox and the other animals of the region. Dr. Schultz once brought before parliament a supposed danger from allowing the natives to become armed with improved rifles.¹⁸

I quite agree with the writers of the above letters that it is very undesirable that the musk-ox should be threatened with extinction in the above manner. I also think that these foreigners should not be allowed to demoralize the natives and to import trading goods without paying customs duties. I also cordially endorse Col. White's remark that the destruction of our musk-ox by strangers "emphasizes the urgency for the assertion of Canadian sovereignty over our far northern waters" (lands). Although our title to all these northern lands and islands is indisputable, this fact is not known to the great majority of people in the United States or even in Canada, as witnessed in the discussions in the U.S. newspapers, the recommendation to "raise the flag" on Baffinland by the crew of the *Diana* in 1897,¹⁹ and the serious proposal of the Ontario Land Surveyors' Association in Toronto last spring that the Canadian government should take steps to acquire possession of these lands.²⁰ The smallest official enforcement of practical jurisdiction by the Dominion government would be the cheapest and most effective way to set at rest all misunderstanding on this matter.

Yours faithfully,

Robert Bell
Acting Director.

I return the letters as requested. R.B.

The Honourable Clifford Sifton, M.P.,
Minister of the Interior,
Ottawa.

¹⁸ Not found./ Non retrouvé.

¹⁹ See/ Voir doc. 77.

²⁰ No such proposal seems to have been put forward in 1902. However, in 1901 the association passed a resolution in support of Bernier's planned expedition, which included the remark that "all of our northern heritage" ought to be claimed.

Aucune proposition de cette nature ne semble avoir été faite en 1902. Cependant en 1901 l'association vota une résolution en faveur de l'expédition prévue de Bernier, dans laquelle on évoquait la nécessité de revendiquer « all of our northern heritage ».

See/ Voir *Annual Report of the Association of Ontario Land Surveyors and Proceedings at the Ninth Annual Meeting - Toronto, 26th, 27th and 28th February, 1901* (Toronto: Henderson, n.d.), pp. 26-27.

104.

Memorandum from Deputy Minister of the Interior to Minister of the Interior**Note du sous-ministre de l'Intérieur au ministre de l'Intérieur****LAC/ BAC, RG 15, vol. 742, file/ dossier 448926**

Ottawa, December 15th, 1902.

Memorandum:

Mr. Sifton,

Two meetings have been held in my office with respect to the matter of immediate action being taken towards taking possession of and enforcing the laws in connection with the territory lying north of Hudson Bay and especially the islands which have been transferred to the Government of Canada by Order in Council of the Imperial Government of the 31st of July, 1880, a copy of which is attached hereto; also to take steps to inquire into the conditions with respect to the trading that is being carried on between certain Americans and the Indians and Esquimaux at and near the mouth of the McKenzie River in the Arctic Ocean.

The general sentiment of those who were discussing this matter seemed to favour the appointment by the Government of Canada of two Commissioners for the different territories; one for the territory lying to the west of the 100th parallel of latitude West of Greenwich, and the other for the territory lying east including all the islands in the waters of the Hudson Bay and Arctic Ocean.

It is suggested that this action should be immediately taken by the Government in order to assert the sovereignty of Great Britain over this territory, and it is thought that the appointment of such officers would have this effect, in view of the fact that the Americans are said to be the discoverers of numbers of islands²¹ in the Arctic Ocean and have been trading in the islands of this Ocean and Hudson Bay for many years.

The opinion of the gentlemen who discussed the question of sending two expeditions to these districts seemed to favour the advisability of placing the matter of the undertaking in the hands of the Department of Marine & Fisheries and that it be regarded as an extension of the Coast Service. It was suggested that a suitable ship be sent to the Hudson Bay at the earliest possible date at which she could enter the Bay, primarily in the Service referred to, but having on board one representative of the Department of Customs, one of the Geological Survey and possibly one of the officers from the Astronomer's office who would also be a surveyor. One of such officers would be named as the Commissioner and the officers of the other Departments would act with him in any matters on which it might be thought necessary to consult. This expedition will return and report at the close of the season as to whether it would be desirable in the interests of the Government of Canada to make yearly expeditions in order to continue to assert the authority of Canada over these

²¹ A considerable exaggeration: only parts of Ellesmere Island were American discoveries. Grinnell Land (the central portion of Ellesmere) had long been shown on maps as a separate island. The Norwegian explorer Otto Sverdrup had recently proved that it was in fact part of Ellesmere; however, Smart was likely unaware of this fact.

Exagération considérable: seules quelques zones de l'île d'Ellesmere furent des découvertes américaines. La Terre de Grinnell (la portion centrale d'Ellesmere) était depuis longtemps indiquée sur des cartes comme une île séparée. L'explorateur norvégien Otto Sverdrup avait récemment prouvé qu'elle faisait en fait partie d'Ellesmere; cependant, Smart n'était probablement pas au courant de ce fait.

northern waters, islands and coast, in order to prevent infractions of the Fishery Regulations or the Customs laws.

The cost of the two expeditions has been estimated at about \$125,000 and it is suggested that a vote for this purpose should be provided by the Department of Marine and Fisheries.

It was furthermore considered that if the two Commissioners who are appointed at once are unable to go with the two expeditions that they can be superseded by the appointment of two who will join the two parties.

The gentlemen present were Mr. Fred White, Comptroller of the North West Mounted Police, Dr. Robt. Bell, Acting Director of the Geological Survey, Mr. John McDougald, Commissioner of Customs, Major Gourdeau, Deputy Minister of Marine and Fisheries, and Commander Spain of that Department, and myself.

[James Smart]
Deputy Minister.

105.

Memorandum from Minister of the Interior to Deputy Minister
Note du ministre de l'Intérieur au sous-ministre
LAC/BAC, RG 15, vol. 742, file/dossier 448926

Ottawa, 15th December, 1902.

Personal.

Mr Smart,

I have read over your report²² upon the subject of the attached papers. I note that your conclusions were arrived at after consultation with Mr. Fred White, Commissioner McDougald of the Customs Department, Dr. Bell and Commander Spain.

It seems quite clear that it is necessary for this Government to take immediate steps to establish such posts as may be necessary for the assertion of its authority over the territory in question[,] respecting the right to which there is of course no dispute. I think that two Commissioners should be appointed, one for that portion of the Territory which begins at the 141st Meridian in the Arctic Sea, and may be considered tributary to the mouth of the MacKenzie River. Either by a vessel going around through the Behring Straits or by an expedition down the MacKenzie River a post should be established and facilities provided for making customs collections.

My impression, which is subject to revision[,] is at the present time that a Police Officer and about five men should be detailed for the purpose of doing this work. The Police Officer should be appointed as Commissioner of the territory. He should also have the power of a Collector of Customs, a stipendiary magistrate, etc. It would be desirable to have a surveyor with him so that exact topographical information might be gathered in regard to the territory without additional expense.

The territory at the north west corner of Hudson's Bay and the islands adjacent should be dealt with by an expedition sent around the coasts of Labrador and through Hudson's Straits. There should be upon this expedition an Officer of the Mounted Police who should be appointed Commissioner and Collector of Customs, four or five men, a surveyor, if

²² See the previous document./ Voir le document précédent.

possible qualified to take astronomical observations, and an Officer of the Geological Survey. One or more posts should be established.

Both expeditions should be conducted by the Marine & Fisheries Department as a part of its Coast service, and that Department should be charged with the duty of providing the necessary vessels, transport, provisions, etc. Descriptions to be inserted in the Commissions should be prepared by the Surveyor General [i]n consultation with Mr. King, the Astronomer, and Mr. White, the Geographer, and Dr Bell, who has made explorations in the territory in question. When the descriptions are prepared they should be forwarded to the Department of Justice with a request to prepare a draft Order in Council establishing the provisional districts, appointing the Commissioners[,] leaving the names blank, and providing the necessary legal authority for administration. Action should be taken at once. A careful estimate should be prepared of the expenditure so that it can be brought into the Supplementary Estimates for the present year, and the expedition started out as soon as the season permits in the Spring.

Clifford Sifton

106.

Letter from Comptroller, North-West Mounted Police, to Minister of the Interior
Lettre du contrôleur, Gendarmerie à cheval du Nord-Ouest, au ministre de
l'Intérieur

LAC/ BAC, RG 18, vol. 235, file/ dossier 1902-296

Ottawa, 18th December 1902.

Dear Mr. Sifton,

I would like to commence at once laying plans for the proposed extension of Police patrols to the mouth of the Mackenzie River, and the establishment of a permanent Post capable of sheltering say 10 men at Fort Macpherson.

This will simply mean an extension of the Edmonton District, of which Supt. Constantine is in Command, and I think he will be the best man to undertake the work of establishing the new patrol and erecting the Post. He should also arrange with the Hudson's Bay Co., at Fort Simpson, Fort Wrigley, Fort Norman and Fort Good Hope for Police travelling to and fro to be furnished with accommodation, food and other facilities which may be needful, and which I assume, for the time being, the H.B. Company will be in the best position to supply.

The H.B. Scows leave Athabasca Landing about the 17th May and the boats connecting with them on the Mackenzie River reach Fort Macpherson about the middle of July.

Will you kindly let me know if you approve.²³

Yours faithfully,

Fred^d White

The Hon. Clifford Sifton,
 Minister of the Interior,
 Ottawa.

²³ Marginal note:/ Note marginale :
 Approved. C. S[ifton]

107.

Letter from J.E. Bernier to Minister of Marine and Fisheries
 Lettre de J.E. Bernier au ministre de la Marine et des Pêcheries
 LAC/ BAC, RG 42, vol. 52, file/ dossier 14981

Windsor Hotel, Ottawa,
 Feb. 18th., 1903

Hon. R. Prefontaine, Minister [of] Marine & Fisheries.
 Ottawa.

Dear Sir:-

I beg to enclose you a plan of Northern Canada showing the boundary line between Canada and Alaska and the boundary line between Greenland and Grantland. You will see on the Canada Arctic Islands that were given to Canada by an Order in Council from the Imperial Government [in] 1880 that we have made no efforts to claim or hold this immense territory which contains a broad coal belt of 1200 miles long and which continues on American Territory in Alaska where two mines are already in working order, viz. the Thetis Mine and the Corwin Mine in the Arctic Circle. Our coal belt at Lady Franklin Bay is 300 yards wide and 25 high pronounced to be equal to the best Welsh coal.

It is my intention to reclaim these Northern Islands and that coalbelt for Canada on my voyage to the North Pole and furthermore as far as 90 north and I trust that now is the proper time to give your immediate attention to this matter so that your name will appear in history as the greatest Minister of Marine we have ever had. You have commenced well and I hope you will keep on for you have a vast amount of work on hand [i]n our large Dominion of Canada.

Yours truly,

J.E. Bernier

²⁴ Bernier sent the same map to Sir Wilfrid Laurier. However, the map itself is not in either file 14981 or the Laurier Papers. In his letter to Laurier, Bernier referred to the rich coal deposits supposedly located on the islands "qui ont été découvertes de 1898 à 1902 par M. le capitaine Otto Sverdrup et plusieurs autres explorateurs, et dont je voudrais prendre possession au nom du Canada, auquel elles doivent appartenir." He expressed his determination to begin his polar drift expedition the next spring, and asked Laurier for \$100,000, "que je considère être la plus petite part que le Gouvernement Fédéral puisse souscrire à une course de cette importance."

Bernier envoya la même carte à sir Wilfrid Laurier. Cependant, la carte elle-même ne fait pas partie du dossier 14981 ou des documents de Laurier. Dans sa lettre à Laurier, Bernier fait référence aux riches gisements de charbon censés se trouver dans les îles « qui ont été découvertes de 1898 à 1902 par M. le capitaine Otto Sverdrup et plusieurs autres explorateurs, et dont je voudrais prendre possession au nom du Canada, auquel elles doivent appartenir ». Il manifesta sa détermination de débiter son expédition de dérive polaire au printemps suivant et demanda à Laurier 100 000 \$, « que je considère être la plus petite part que le Gouvernement fédéral puisse souscrire à une course de cette importance ».

See/ Voir Bernier à Laurier, 18 février 1903, LAC/ BAC, MG 26 G, vol. 252.

108.

Letter from Minister of the Interior to Deputy Minister**Lettre du ministre de l'Intérieur au sous-ministre****LAC/ BAC, RG 15, vol. 742, file/ dossier 448926**London,²⁵ 31st March, 1903.(Personal)

Dear Mr Smart:—

I am writing you now to again call your attention to the necessity of promptly taking care of details respecting the expedition to the Northern islands. This matter should be thoroughly gone into and should be dealt with without any delay whatever. You can show this letter to Mr Fielding and Sir Wilfrid if you think necessary. As I pointed out I think that Sir Wilfrid or Mr Fielding should arrange with Mr Borden that when the matter comes up in the House on the appropriation no question shall be asked which will be of such a character as to disclose the real intention of the expedition.²⁶ In discussing the matter with Mr King on the voyage over, I am more than ever impressed with the necessity for prompt action. The possession taken should be complete. The Geographer [James White], Dr. Bell of the Geological Survey, and the Surveyor General [Édouard Deville] should go over the geographical features very carefully, a memorandum should be made of the present position of affairs, what has been done in the way of taking formal possession, and what is necessary should be clearly and definitely set out. I think in all probability it would be well for you to lay this before Sir William Mulock, and have him and Mr Fielding present with the officials who are discussing the matter so that they can understand it.

Mr King tells me that the flag was planted at Baffins Land some years ago by an expedition under Dr. Bell²⁷ who will be able to tell you all about it.

Extreme care must be taken to make the whole work as thorough and complete as possible. Herschell Island near the mouth of the Mackenzie River also requires attention. American whalers are there and unless decisive action is taken very soon we shall run up against another boundary question along those waters. There will therefore have to be an expedition by way of Hudsons Straits, and one by way of Behring Sea, as formerly arranged. The better way would be for the boats to sail with sealed orders, no one but the officer in command in each case really knowing what the details of the instructions were. There would therefore be no danger of disclosure.

²⁵ Sifton was in London for the Alaska Boundary arbitration. Sifton se trouvait à Londres pour l'arbitrage sur la limite territoriale de l'Alaska.

²⁶ Borden gave the required assurance. Borden donna l'assurance demandée. See Voir Borden to Sifton, 3 August 1903, LAC/ BAC, MG 27 II D-15, vol. 136.

²⁷ The expedition was commanded by William Wakeham. William Wakeham était à la tête de l'expédition. See/ Voir docs 77, 83.

I think it would be well that the appropriation should appear as an appropriation for extending the Fisheries Protection service, which would enable the press to make statements about it without any suspicion being created as to what our real purpose was.

Yours faithfully,

Clifford Sifton

Jas. A. Smart Esq.
Department of the Interior,
Ottawa, Canada.

109.

Letter from Commissioner, North-West Mounted Police, to Comptroller
Lettre du commissaire, Gendarmerie à cheval du Nord-Ouest, au contrôleur
LAC/BAC, RG 18, vol. 235, file/dossier 1902-296

Regina, May 11th, 1903.

Dear Colonel White,

I have telegraphed²⁸ you that I instructed Supt. Constantine to leave Edmonton this morning for Ottawa. I enclose for your consideration a memo on the Mackenzie River patrol. I assume that you will consult Supt. Constantine on this.

[...]

Yours sincerely,

A. Bowen Perry

Lt. Col. White, C.M.G.
Comptroller N.W.M.P.
Ottawa, Ont.

Enclosure: Memorandum from Commissioner, North-West Mounted Police, to
Comptroller
Pièce jointe : Note du commissaire, Gendarmerie à cheval du Nord-Ouest, au
contrôleur

MEMO FOR COMPTROLLER ON MACKENZIE RIVER PATROL.

(1) Supt. Constantine to have command. To proceed with party by canoes from Athabaska Landing about 25th May to Fort McPherson Peel River.

At that point in the vicinity of the H.B. post he will erect a suitable building for the detachment.

(2) Supt. Constantine must be guided by circumstances as to his movements after he has completed the building, but I take it that the following information is required

- i. As to the operations of whaling fleet, past and present. Reports have been conflicting as to the past and authentic information should be gathered.

²⁸ On 12 October 1903 an appropriation of \$100,000 for "the extension of the coast service and surveys on the northern coast of Canada" was passed by the House of Commons without any debate. See Canada, *House of Commons Debates*, 9th Parliament, 3rd session, vol. 63, col. 13760. Le 12 octobre 1903, un crédit budgétaire de 100 000 \$ pour « l'extension du service côtier et des explorations sur la côte nord du Canada » fut voté par la Chambre des communes sans aucun débat. Voir Canada, *Chambre des communes, Débats*, 9^e législature, 3^e session, vol. 63, col. 14044.

This is important, as the Government should know exactly what has taken place.

If American whalers still illegally trading, Supt. Constantine to deal with it as directed by Customs Department.

ii. Conditions both in Athabaska and MacKenzie Districts to be reported upon, and particularly in following points:—

State of crime

Necessity of additional Police

Points at which they should be stationed

Reserves for Police Posts

Means of transportation.

[...]

Regina 11 May 03

A. Bowen Perry

Commr

110.

Letter from Comptroller, North-West Mounted Police, to Commissioner

Lettre du contrôleur, Gendarmerie à cheval du Nord-Ouest, au commissaire

LAC/ BAC, RG 18, vol. 235, file/ dossier 1902-296

Copy/ Copie

Ottawa, 19th May, 1903.

Sir,

Supt. Constantine, with whom I have discussed at length the subject of the McKenzie River Patrol, will leave here to-morrow the 20th instant - for Edmonton direct, and I understand from him that you have arranged to meet him on the train when passing Regina.

[...]

I enclose, herewith, a draft of instructions which I think should be issued by you to Supt. Constantine, whose reports and returns should also be made direct to you. You are at liberty to make any additions to these instructions should anything occur to you that I have omitted. Please advise me if you make any changes. I have given Constantine copy of the enclosed memo so that he will be prepared to discuss details with you.²⁹

I have the honour to be,

Sir,

Your obedient servant,

[Frederick White]

Comptroller.

The Commissioner [A. Bowen Perry],

N.W.M. Police,

Regina, N.W.T.

²⁹ The instructions were confirmed by Perry. Les directives furent confirmées par Perry. See Voir Perry to White, 29 May 1903, also in file/ aussi au dossier 1902-296.

Enclosure: Draft Instructions to Officer Commanding "G" Division
Pièce jointe : Projet de directives à l'officier commandant la Division « G »

Ottawa, 19th May, 1903.

MCKENZIE RIVER PATROL
 INSTRUCTIONS FOR SUPT. CONSTANTINE

In accordance with arrangements already made, you will proceed, by canoe and Hudson's Bay Company boats, to Fort McPherson on the Peel River, where you will select a location for a Police Post, either at Fort McPherson or such other point as you may deem most suitable; and at once arrange for the erection of quarters.

You will obtain all possible information on the following:

1. The operations of the Whaling Fleet, past and present.
2. The trading which is carried on at the mouth of the McKenzie and in the waters adjacent thereto; the character of the goods traded, by whom and to whom. This is most important as affecting the Customs Revenue and the future action of the Government.
3. The inhabitants of the District; their occupation and other conditions.
4. The points at which it would be desirable to station Police for keeping open a line of communication between Edmonton and the mouth of the McKenzie, and the mouth of the McKenzie and Dawson, Y.T.
5. The feasibility of transportation from the McKenzie or Peel, across country, to the Yukon.
6. The civil and criminal jurisdiction of the District and the probable expense connected therewith.

[...]

Having obtained all the particulars possible; made arrangements for the sheltering of the detachment during the winter, and the transmission of reports whenever an occasion presents itself, you will return to Edmonton.

[...]

It is hoped that by canoes members of the detachment will be able to visit McKenzie Bay before navigation closes; and that by means of dogs during the winter they will acquire information respecting sections of the country which can be more conveniently reached on the ice or snow.

111.

**Instructions from Officer Commanding Edmonton and Mackenzie River Districts,
 North-West Mounted Police, to Sergeant Commanding Fort McPherson Detachment**
**Directives de l'officier commandant les districts d'Edmonton et du fleuve Mackenzie,
 Gendarmerie à cheval du Nord-Ouest, au sergent commandant le détachement de
 Fort McPherson**

LAC/ BAC, RG 18, vol. 235, file/ dossier 1902-296

Copy/ Copie

MEMO OF INSTRUCTIONS FOR REG: NO 2218, SERGT. FITZGERALD F.J.

You will have charge of the Detachment at Ft. McPherson on the Peel River, near the mouth of the McKenzie River, after I leave there.

[...]

The Detachment being so small, you will not be able to take any active measures of any extent in regard to the operations of Whalers &c., in and about Herschell Island. You will however make patrols there – one in the Fall by boat if possible, and in the winter by dog team. You will get all the information as to their operations in the past, and learn all you can of their doings in the coming winter, getting the names of vessels, masters, mates, and the antecedents of crews so far as it is possible, also the tonnage &c. You will notify them of the laws as to trading, not only with the natives, but with the Missionaries, who I am informed import many of their supplies through them from the United States. If there are goods imported by the Missionaries and others you will require them to furnish original invoices, and pay the duty or put up such deposit or other security as may in your judgment be sufficient to secure the Government pending instructions, in the event of representations which may be made by them. You will take special pains to ascertain the amount of trading done in or near the McKenzie, and waters adjacent, the class of goods traded, with whom and by whom.

Make careful enquiries as to the native population, number and occupation, whether increasing or otherwise, the diseases that are most prevalent and fatal.

The liquor trade should also be the subject of careful enquiry, as many statements are made which may or may not be correct; keep on good terms with Missionaries and Whalers so far as is consistent with your duties.

You will also make enquiries as to a feasible route, through Canadian Territory, from Peel River to the Yukon, and state in your report what you consider the best point to establish a Post for the purpose of patrols from both sides of the Mountains to meet, giving distances &c., nature of country, and if possible to put a good trail through for winter use, with approximate cost as far as you can judge.

I am not aware of there being any J.P., at Fort McPherson or Herschell Island. This will to a large extent handicap you in your work, and in many cases you will have to in an informal way decide minor difficulties on the grounds of common sense.

Grave crimes, such as “murder”, will have to be held pending the arrival of a J.P., or some arrangements for the hearing; it is expected that by next season this difficulty will be got over.

[...]

It is possible that you may have trouble with deserters from Whalers, and a demand be made from the Ship Officers to have them returned. You are not obliged to do so, nor have

you any right to. This is within the province of two Justices of the Peace on hearing the facts, but it would be well to advise them to return, and not allow them to loaf about the quarters or settlement. [...]

[Charles Constantine], Supt.
Comm'g Edmonton
& McKenzie River Districts

Quatre Fourches River, 18th June, 1903.

112.

Memorandum from Deputy Minister of the Interior to Minister of the Interior
Note du sous-ministre de l'Intérieur au ministre de l'Intérieur
LAC/BAC, RG 15, vol. 742, file/dossier 448926

Ottawa, July 25th, 1903.

Memorandum:

Mr. Sifton,

In connection with the expedition to the Hudson Bay and also the one to the mouth of the Mackenzie River it has occurred to me that, while the Hudson Bay Expedition will meet a certain necessity in asserting the right of the Dominion to the territory in which the Americans are now trading with the Esquimaux and Indians, there is a portion of the Arctic Ocean where it would seem to be necessary to undertake some kind of an expedition to further assert authority. I refer to the islands situated on the [west] coast of Baffin Bay and up towards Lincoln Sea. These islands have in some instances been given American names, for instance, I presume Lincoln Sea is named after Ex-President Lincoln. Then there is a large tract of land named Grant Land, named presumably after General Grant. This is a

³⁰ On his arrival at Fort McPherson, Constantine was told that the whalers had now deserted Herschel Island. He therefore believed that posts at McPherson and Herschel were no longer necessary. However, just before he left McPherson, Constantine verbally instructed Fitzgerald that if conditions warranted it, he could establish a post at Herschel.

À son arrivée à Fort McPherson, on informa Constantine que les balemiers avaient maintenant déserté l'île Herschel. Il crut donc que des postes n'étaient plus nécessaires à McPherson et Herschel. Cependant, juste avant de quitter McPherson, Constantine ordonna verbalement à Fitzgerald que si la situation le justifiait, il pouvait établir un poste à Herschel.

See: Voir Constantine to Perry, 6 September 1903 and, et 9 November 1903, also in file aussi in dossier 1902-296.

Fitzgerald found that the whalers still used Herschel Island as a wintering place, and that although the previous reports of violence there were exaggerated, violations of the liquor and customs laws were common. He therefore decided to establish the post. His reports, dated 24 August and 6 September 1903, are also in file 1902-296. A published version of the 24 August 1903 report can be found in "Report of Sergeant F. J. Fitzgerald, Herschel Island Detachment, 24 August 1903," *Report of the North-West Mounted Police, 1903, Sessional Papers, 1904, vol. 38-11, no. 28, Part I, pp. 52-54.*

Fitzgerald découvrit que les balemiers utilisaient toujours l'île Herschel comme lieu d'hivernage et que bien que les rapports précédents de violence aient été exagérés, les infractions aux lois sur l'alcool et les douanes étaient communes. Il décida donc d'établir le poste. Ses rapports, datés du 24 août et du 6 septembre 1903, se trouvent aussi au dossier 1902-296. Une version publiée du rapport du 24 août 1903 se trouve dans le « Rapport du maréchal des logis, poste détaché d'île Herschel », *Rapport de la Gendarmerie à cheval du Nord-Ouest, 1903, Documents de la Session, 1904, vol. 38-11, n° 28, 1^{re} partie, p. 54-56.*

very long way north, being farther north than Parry Islands, but I understand that only Americans have ever visited that portion of the world;³¹ although the islands presumably are British they have not been taken possession of by British subjects. It may be quite possible that if we now undertook to take possession of some of them complications might arise, although there is nothing to base any such fear on.

Jas. A. Smart
Deputy Minister.

113.
Memorandum from Minister of the Interior to Deputy Minister
Note du ministre de l'Intérieur au sous-ministre
LAC/BAC, RG 15, vol. 742, file/ dossier 448926

Ottawa, 28th July, 1903.

Mr Smart,

Attached is a memorandum respecting the expedition to Hudson's Bay. There is a good deal of detail work in connection with the matter which requires prompt attention, and I think you had better put it into the hands of a competent Officer who will go around and see that it is attended to. Possibly Mr. Cote could do it for you. The Mounted Police Officer will require to have full instructions from the Police Department; he will also require to have a Commission and instructions from the Customs Department. Mr. Low will be the Geological Officer. He should be notified immediately that he will be required to go and the Acting Director should prepare his instructions. Yourself and Mr. White and the Deputy of the Marine & Fisheries Department should prepare the instructions of the Captain in charge of the vessel, and they should provide that he and the Police Officer and Mr. Low should constitute a sort of Executive Committee for consultation in regard to matters of general importance.

Copies of all the instructions and Commissions should be on file in our Department and in the Marine & Fisheries Department. As the expedition is to sail on the 15th no time is to be lost.

Clifford Sifton

Enclosure: Memorandum by Minister of the Interior
Pièce jointe : Note du ministre de l'Intérieur

During the last year information has been received to the effect that American traders and whalers are in the habit of landing upon Hershell Island, at the mouth of the McKenzie River, and at or near the mouth of the McKenzie River carrying on a whaling, fishing and trading industry, and that the same thing has been going on to some extent on the North West coast of the Hudson Bay and upon the islands North of the Hudson Bay in the Arctic Circle.

There is not believed to be any question as to the absolute title of Canada to these territories and islands but it is feared that if American citizens are permitted to land and pursue the industries of whaling, fishing and trading with the Indians without complying

³¹ Smart was incorrect: the British explorers Edward Inglefield and George Nares had made important discoveries in this region. Smart était dans l'erreur : les explorateurs britanniques Edward Inglefield et George Nares avaient fait d'importantes découvertes dans cette région.

with the revenue laws of Canada and without any assertion of sovereignty on the part of Canada [...] unfounded and troublesome claims may hereafter be set up. The following has therefore been mapped out:

Superintendent Constantine of the North West Mounted Police has been sent overland to the mouth of the McKenzie River and will shortly reach that point. There he will establish the authority of the Government and at the earliest possible date will make a report containing the necessary information upon which to base further action. It is believed that next year it will be wise to send an expedition around by way of Behring Straits to establish a permanent post wherever recommended by Superintendent Constantine.

As to the coast and islands Northward from Hudson Bay it is proposed immediately to send an expedition under the Marine and Fisheries Department which shall be for the purpose of patrolling and exploring and establishing the authority of the Government on the points in question.

Scientific observers from the Geological Survey and the Department of Marine and Fisheries will accompany the expedition, also a photographer from the Survey Branch of the Department of the Interior. The object in sending these officers is to collect all possible information in regard to the territory visited and to have the information collected in exact and scientific form so as to be available for future use. It is also proposed to send a commissioned officer of the North West Mounted Police with four or five men who will establish the post at the place found to be most convenient. Materials for permanent buildings will be taken up. The post will be provisioned for two years but it is the intention that the patrol will return and visit the post every year. The officer of the North West Mounted Police will be commissioned to act as Collector of Customs for the whole territory and will also be commissioned as stipendary magistrate. The details as to the working out of the scheme must necessarily be left largely to the experience and judgment of the officers in charge.

[...]

It will be understood that our knowledge of the Northern portions of the territories in question being so unexact[...] no very definite instructions can be given as to the location of the post. The Captain in charge of the expedition, the police officer and Mr. Low, the geologist, will be a committee to jointly decide on what shall be done and where the permanent post shall be located. They will further be asked to make a full report as to what should be the policy of the Government in dealing with the administration of these territories, apart from the technical report which each of them will be required to furnish to his own branch of the service.³²

[Clifford Sifton]

A copy of this memo and a map were sent to the Leader of the Opposition, Robert Borden. Une copie de cette note et une carte furent envoyées au chef de l'opposition, Robert Borden. See: Voir LAC, BAC, MG 26 H, vol. 301, file dossier 5.

114.

Instructions from Comptroller, North-West Mounted Police, to Officer Commanding "M" Division, Hudson Bay

Directives du contrôleur, Gendarmerie à cheval du Nord-Ouest, à l'officier commandant la Division « M », Baie d'Hudson

LAC/ BAC, RG 18, vol. 293, file/ dossier 1905-236

Copy/ Copie

Ottawa, 5th August, 1903.

Sir,

The Government having decided that the time has arrived when some system of supervision and control should be established over the coast and islands in the northern part of the Dominion, a vessel has been selected and is now being equipped for the purpose of patrolling, exploring and establishing the authority of the Government of Canada in the waters and islands of Hudson's Bay and north thereof.

In addition to the crew, this vessel will carry representatives of the Geological Survey - the Survey Branch of the Department of the Interior - the Department of Marine and Fisheries - the N.W. Mounted Police - and other Departments of the public service.

Any work which has to be done in the way of boarding vessels which may be met, establishing Posts on the main land or the islands, and the introduction of the system of Government control such as prevails in the organized portions of Canada, has been assigned to the Mounted Police and you have been selected as the officer to take charge of that branch of the expedition.

You will have placed at your disposal a sergeant and four constables; you will be given the additional powers of a Commissioner under the Police Act of Canada; and you will also be authorized to act for the Department of Customs.

Mr. Low, the Geologist - the Captain in command of the vessel [Samuel Bartlett] - and yourself - will be constituted a Board to consult and decide upon any matters which may arise requiring consideration and joint action.

The knowledge of this far northern portion of Canada is not sufficient to enable definite instructions to be given you as to where a landing should be made, or a Police Post established; decision in that respect is to be left to the Board of three above mentioned, and wherever it may be decided to land you will erect huts and communicate as widely as possible the fact that you are there as the representative of the Canadian Government to administer and enforce Canadian laws, and that a patrol vessel will visit the district annually, or more frequently.

It may happen that no suitable location for a Post will be found, in which case you will return with the vessel, but you will understand that it is the desire of the Government that, if at all possible, some spot shall be chosen where a small force representing the authority of the Canadian Government can be stationed and exercise jurisdiction over the surrounding waters and territory.

It is not the wish of the Government that any harsh or hurried enforcement of the laws of Canada shall be made. Your first duty will be to impress upon the Captains of whaling and trading vessels, and the natives, the fact that after reasonable notice and warning the laws will be enforced as in other parts of Canada.

"You will keep a diary and forward, whenever opportunity offers, full and explicit reports" on all matters coming under your observation in any way affecting the establishment of a system of Government and the administration of the laws of Canada.

I have the honour to be,

Sir,

Your obedient servant,

[Frederick White]

Comptroller

Supt. J.D. Moodie, N.W. Mounted Police.

115.

Letter from Comptroller, North-West Mounted Police, to Acting Deputy Minister of Justice

Lettre du contrôleur, Gendarmerie à cheval du Nord-Ouest, au sous-ministre par intérim de la Justice

LAC/ BAC, RG 13, vol. 1905, file/ dossier 1903-677

Ottawa, 5th August, 1903.

Sir,

In May, 1894, Inspector Charles Constantine of the N.W.M. Police was appointed a Commissioner of Police within the N.W. Territories of Canada, under Chap. 184 of the Revised Statutes, 1886, "An Act respecting the Police of Canada."

The Commission was authorized by Order in Council³³ upon the recommendation of the Hon. the Minister of Justice, dated 28th May, 1894, and is still being exercised by (now) Superintendent Constantine who is en route to the mouth of the Mackenzie River to co-operate with a vessel of the Fishery Protection Service in Mackenzie Bay.

It has been decided by the Government that a similar expedition is to be sent to Hudson's Bay, and the waters and islands north thereof, to be accompanied by a few members of the Mounted Police. The officer in charge of the Police will be Superintendent John Douglas Moodie, and I am directed to ask the Hon. the Minister of Justice to be good

³³ See/ Voir LAC/ BAC, RG 18, vol. 281, file/ dossier 1904-716.

³⁴ Docs 125, 126, 145.

³⁵ Order-in-Council: Décret du Conseil 1894-1638, LAC/ BAC, RG 2, vol. 651.

enough to have him clothed with authority to act as Commissioner under the Act respecting the Police of Canada.³⁶

I have the honour to be,
Sir,
Your obedient servant,

Fred^d White
Comptroller.

A. Power, Esq., K.C.,
Acting Deputy Minister of Justice,
Ottawa.

116.

Instructions from Deputy Minister of Marine and Fisheries to Commander, Canadian Government Expedition

Directives du sous-ministre de la Marine et des Pêcheries au commandant, expédition du gouvernement du Canada

LAC/ BAC, RG 12, vol. 48, file/ dossier 1654-34

Copy/ Copie

[Ottawa,] 8th August, 1903.

Sir,

I have to instruct you that you have been appointed by the Honourable the Minister of Marine and Fisheries to the command of the S.S. "NEPTUNE", taking the Hudson Bay Expedition to the northward.

You already know the purposes and intentions of this Expedition.

You will outfit the ship and provision her for two years, leaving Halifax at the earliest date possible.

³⁶ The draft order produced by the Department of Justice was approved without change as Order-in-Council 1903-1374 on 13 August 1903 (see LAC, RG 2, vol. 859). It gave Moodie powers "within all the Territories, Districts and Provisional Districts of Canada, outside the Provinces." In contrast, an earlier draft produced by E.L. Newcombe on the request of James Smart specifically mentioned "the islands lying north of the continent," with space for a description of the geographical limits involved. Such a description had been requested by Minister Sifton. See doc. 105 and Newcombe to Smart, 19 March 1903, and enclosure, LAC, RG 15, vol. 742, file 448926. Both drafts overlooked the fact that the District of Keewatin was technically not outside the provinces, since it was administered by the Lieutenant Governor of Manitoba. Moodie later concluded that this oversight meant his authority over the west coast of Hudson Bay was questionable. See doc. 126.

Le projet de décret préparé par le ministère de la Justice fut approuvé sans modification comme décret du Conseil 1903-1374 le 13 août 1903 (voir BAC, RG 2, vol. 859). Il donnait à Moodie des pouvoirs « within all the Territories, Districts and Provisional Districts of Canada, outside the Provinces ». Par contraste, une ébauche antérieure rédigée par E.L. Newcombe à la demande de James Smart mentionnant expressément « the islands lying north of the continent », en laissant de l'espace pour décrire les limites géographiques concernées. Une telle description avait été demandée par le ministre Sifton. Voir doc. 105 et Newcombe to Smart, 19 March 1903, et pièce jointe, BAC, RG 15, vol. 742, dossier 448926. Les deux ébauches ne tenaient pas compte du fait que le district de Keewatin ne se trouvait pas techniquement hors des provinces puisqu'il était administré par le lieutenant-gouverneur du Manitoba. Moodie conclut plus tard que cette omission pouvait entraîner une remise en question de son autorité sur la côte occidentale de la baie d'Hudson. Voir doc. 126.

Leaving Halifax you will proceed northward to Nachook, where you will engage an Eskimo interpreter, and without delay continue northward to Frobisher Bay and Cumberland Bay, in order to allow Major Moodie to perform his official duties.

Returning to Hudson Strait, you will proceed through to Hudson Bay, and establish winter quarters at a convenient place in the neighbourhood of the American whaling ships wintering there. The crew and passengers will winter on board the "NEPTUNE", and in the Spring you will afford every facility to Major Moodie in erecting a post, if it is decided to do so in that locality.

When the ship is enabled to clear the ice, you will land provisions, fuel and outfit sufficient to last Major Moodie's party for two years, and will leave with him a suitable boat for his use.

You will pass through Hudson Strait and meet at Lady Job Harbour, on or about the 25th July, 1904, a supply ship bringing you necessary coal and provisions.

From there you will proceed northward to Kennedy Channel and Lancaster Sound, and visit as much territory as the state of the ice will permit.

Returning South, you will endeavour to follow the west coast of Baffin Bay, and visit the establishments at Cumberland and Frobisher bays.³⁷

Returning to Hudson Strait, you will be guided by your coal supply, and if possible return to Hudson Bay, and visit Major Moodie's Post.

Returning, you will remain in Hudson Strait as late as possible, giving due consideration to the state of your coal supply and the signs of winter.

When you are compelled to return, you will proceed to Halifax by the most convenient course.

In all cases of doubt as to the course to pursue, you will consult with Captain Bartlett and Major Moodie, and in that manner arrive at a decision.

Captain Bartlett will be responsible for the navigation of the ship, and will take your orders as to the places to be visited, and in other matters not connected with the navigation of the ship.

When in the ice you will be guided largely by Captain Bartlett's advice, and will give due regard to his experience.

You are to give every facility possible to Major Moodie in the prosecution of his duties, and consult him when aboard as to any change in the programme that may be necessary from unforeseen circumstances.

The above instructions as to the route to be followed, are general, and you are at liberty to change the details should unforeseen circumstances arise, after consulting with the officers named above.

I have the honour to be,

Sir,

Your obedient servant,

[F. Gourdeau]

Deputy Minister of Marine and Fisheries.

A.P. Low, Esq.,
Ottawa, Ontario.

³⁷ O.G.V. Spain initialled the document beside this paragraph and the preceding one. O.G.V. Spain a paraphé le document à côté de ce paragraphe et du précédent.

117.

Memorandum from Commander of Fisheries Protection Service to Minister of the Interior

Note du commandant du Service de protection des pêcheries au ministre de l'Intérieur

LAC/BAC, RG 15, vol. 707, file/dossier 357602

HUDSON BAY EXPEDITION.

The Hudson Bay expedition which is leaving in the Steam ship "Neptune" under the charge of Mr. Low of the Geological Survey Department is for the purpose of patrolling, exploring and establishing the authority of the Canadian Government in those far northern lands. [...]

(1) There are at present a few permanent settlements in this far Northern land, that is to say whaling and fishing establishments at Kikerton Bay and Blacklead on Cumberland Bay, Baffinland established from Dundee, Scotland, (2) a small United States whaling station near the mouth of Frobisher Bay, Baffinland, (3) a Dundee Scotland station for walrus hunting on Southampton Island, Hudson Bay. Besides these there is a rendez-vous for whaling ships about the mouth of Lancaster Sound, a long way by Davis Straits and another one at Roes Welcome in Hudson Bay frequented by United States whalers who winter there and trade with the Esquimaux; Hudson Bay Company's posts at Ungava Bay which are at present outside Customs or other Government regulations.

I think the most practical way of patrolling and visiting all these places to assert the authority of the Canadian Government would be a vessel of the description of the "Neptune" to visit these places annually. We are spending a great deal of money on the "Neptune" to fit her for this expedition and I would suggest that we enter into an agreement with the owners to allow the present rental to go towards the purchase price and on return of the ship from the present expedition to use her permanently in the way I have proposed.³⁸

The above respectfully submitted. [...]

O.G.V. Spain

Ottawa, 11th August, 1903.

³⁸ Marginal note:/ Note marginale :

App[rove]d. C. S[ifton]

Job Brothers, the owners of the *Neptune*, asked more than the government was willing to pay. Instead, the German polar ship *Gauss* was purchased. On Spain's suggestion, it was re-named *Arctic*. Job Brothers, les propriétaires du *Neptune*, exigeaient davantage que ce que le gouvernement voulait payer. À la place, le navire polaire allemand *Gauss* a été acquis. À la suggestion de Spain, il fut rebaptisé *Arctic*. See/ Voir Spain to Gourdeau, 13 May 1904, LAC/ BAC, RG 42, vol. 52, file/ dossier 14981.

118.

Letter from Comptroller, North-West Mounted Police, to Minister of the Interior
Lettre du contrôleur, Gendarmerie à cheval du Nord-Ouest, au ministre de
l'Intérieur

LAC/BAC, RG 18, vol. 293, file/ dossier 1905-236

Ottawa, 11th August, 1903.

Dear Mr. Sifton,

At the meeting a few days ago to discuss the Hudson's Bay expedition Mr. Low indicated as the probable programme, that he hoped they would be able to reach Cumberland Sound this year and return to Hudson's Bay to winter near Southampton Island, where the whaling vessels trading with the natives also winter, that during the winter they will endeavour to find a suitable place for the Police to establish a Post, that on the breaking up of the ice next year the Police will accompany them on their water patrol and then land at the point selected, before the return of the vessel at the end of 1904.

I think it likely that the Police Post will be on the North-west coast of Hudson's Bay, somewhere between Chesterfield Inlet and Repulse Bay - the latter being the place where it is reported so many musk-ox skins were traded.

I have no doubt that this expedition will lead to the Government placing a patrol vessel permanently in Hudson's Bay, and thus save the time lost during the season of navigation in coming and going from Halifax. Of course a vessel will have to go up every second or third year to replenish supplies.

I would suggest that I be instructed to send a few Police to either York Factory or Fort Churchill, fully equipped for winter service, and with orders to endeavour to make connection with Chesterfield Inlet or north thereof, wherever Moodie and his men may be landed. I am certain we shall be able to find men who would undertake the journey on dog sleds, and in the course of three or four years we shall be able to extend Police supervision from Churchill to the northerly limit of the west coast of Hudson's Bay.

Will you, before you leave for England, let me know whether you approve of this plan, so that I may get Sir Wilfrid's endorsement to go ahead with my arrangements.

I may say that the Police have already made the trip, by canoe and portage, from Norway House, at the head of Lake Winnipeg, to York Factory.³⁹

Yours faithfully,

Fred^d White

The Hon. Clifford Sifton,
Minister of the Interior,
Ottawa.

³⁹ Marginal note:/ Note marginale :
Approved. C. S[ifton]

119.

Letter from Assistant Paleontologist, Geological Survey, to Prime Minister
Lettre du paléontologue adjoint, Commission géologique, au premier ministre
LAC/BAC, MG 26 G, vol. 288

Ottawa, October 26th, 1903

The Right Honorable Sir Wilfrid Laurier,
P.C., K.C.M.G., LL.D., &c, &c, &c.
Premier of Canada, Ottawa.

Hon. and dear Sir,

In compliance with your request of last Saturday afternoon,⁴⁰ as a result of a conversation I had with you with reference to the apparent urgent necessity of having the limits of British North America at this present juncture defined by a solemn decree which would be issued by the Imperial Parliament so as to ensure to us all that Territory which now we know belongs to us in the North, but which may [i]n some [un]accountable way some day, bye and bye, be placed in doubt by some foreign power. I have the honour to transmit to you a Memorandum regarding the Arctic Archipelago and those lands which appertain to the Dominion of Canada, which have ever been recognised by us as British Territory, explored first by British explorers; and territories which have seen the British flag hoisted many a time throughout the whole area, and at different periods extending over several centuries.

The resources of our northern possessions are great. Millions of tons of coal occur there. Asbestos, copper, iron, lead, jade, & various other useful and rare metals also, occur at different points and have been recorded and at different times utilised.

I have the honour to be,
Sir,
your obedient servant,
H.M Ami

⁴⁰ On 22 October Ami, enraged by the decision of the Alaska Boundary Tribunal, had written to the Minister of Justice, Charles Fitzpatrick, suggesting the idea of a formal declaration of sovereignty by the British Parliament. Fitzpatrick gave a copy to Laurier, which may have caused Laurier to speak to Ami.

Le 22 octobre, rendu furieux par la décision du Tribunal de la limite territoriale de l'Alaska, Ami avait écrit au ministre de la Justice, Charles Fitzpatrick, suggérant l'idée d'une déclaration officielle de souveraineté par le parlement britannique. Fitzpatrick en donna une copie à Laurier, ce qui peut avoir conduit Laurier à avoir une conversation avec Ami.

See/ Voir LAC/BAC, MG 27 II C-1, vol. 6, file/dossier "1903 October."

Enclosure: Memorandum for Prime Minister by Assistant Paleontologist, Geological Survey

Pièce jointe : Note à l'intention du premier ministre du paléontologue adjoint, Commission géologique

Ottawa, October 26th, 1903

Whereas, instructions were recently given Mr. Low of the Hudson Bay Expedition to take formal possession of the country⁴ around the North Western portion of HUDSON BAY in the Name of the King:

Whereas also, a number of published works on Geography throw doubt as to the ownership of the whole of the country North of the International Line between Canada and the United States of America (exclusive of Alaska and Greenland):

Whereas, the time seems opportune at present to define clearly the boundaries of the British portion of the North American Continent north of the International Boundary line between Canada and the United States,

It is proposed that an Imperial edict or Decree be sent forth giving in no uncertain terms utterance to the statement which we here in Canada have always held, that exclusive of Alaska and Greenland, the whole of the Territory constituting the Arctic Archipelago, as well as all the lands appertaining thereto, lying together with the various Provinces, Territories and Districts of the Dominion of Canada, to the North of the International Boundary line between Canada and the United States of America, constitute British soil together with all the rights and privileges along their coasts appertaining thereto.

It is further enacted and decreed that the great inland Sea known as "Hudson's Bay" and its 500,000 square miles of water, (more or less) together with the Straits of the Same name, right to its mouth or entrance between Cape Best and C. Chidleigh, be declared a "Mare Clausum".

120.

Letter from Senator William C. Edwards to Prime Minister
Lettre du sénateur William C. Edwards au premier ministre
LAC/BAC, MG 26 G, vol. 288

Rockland, October 28th, 1903

Right Honorable Sir Wilfred Laurier,
 Ottawa, Ontario.

Dear Sir Wilfred:

At the risk of being regarded as troubling you with what may be thought a very trivial matter, I write a few lines with regard to Capt. Bernier. In view of recent events, would it not be well for an exploring expedition to go to the North with the object of a far more

⁴ Low's instructions did not in fact include such a directive. Ami had received this impression from a short news item in the *Geographical Journal*, which also erroneously stated that Bernier would begin a government-sponsored expedition to the North Pole in 1904. Les instructions de Low n'incluaient pas en fait une telle directive. Ami avait conçu cette impression à partir d'un court article dans le *Geographical Journal*, qui indiquait aussi par erreur que Bernier amorcerait une expédition commanditée par le gouvernement vers le pôle Nord en 1904.

See: Voir Ami to Fitzpatrick, 22 October, "Arctic Expeditions," *Geographical Journal*, vol. 22, no. 4 (October 1903), p. 466.

important mission than that of the discovery of the North Pole, and if incidentally the North Pole is discovered, no harm will be done.

In looking up the matter a short time ago, I was surprised to find the extent to which the Americans have been whaling in Hudson Bay and the many years they have been at it. Their aggressive and grasping nature is such that we need not be surprised if shortly they take the position that Hudson Bay is an open sea, and further, that they may lay claim to islands and territory in that North land, said to be rich in coal and a variety of minerals. It seems to me that we should lose no time in asserting our rights, and decidedly so. I would neither wait for nor depend on Great Britain looking after our rights or protecting them. I would do it on our own account.

Bernier has not spoken to me of this matter. I am acting entirely on my own account. I have had a life long experience in handling and managing men and I must say that I have never met the man in whom I would have the same confidence as I would have in Bernier in undertaking an expedition where great hardship is to be encountered and great endurance is requisite. His stability and powers of endurance as well as his ability as a navigator I cannot think can be questioned. There may be features of such an expedition that would require other knowledge than that possessed by Bernier, but in any such lines the necessary assistance could be supplied him. If the Americans are permitted to skirt our Western possessions, for Heaven's sake do not allow them to skirt us all around. They are south of us for the entire width of our country; they block our natural and best possible outlet to the Atlantic; they skirt us for hundreds of miles on the Pacific and control the entrance to a vast portion of our territory, and the next move if we do not look sharply after our interests, will be to surround us on the North. You will have noticed no doubt that they have a Northern expedition fitting out now.⁴² Britain's interests are first, ours are secondary. Let us look after our own as best we can.

Most sincerely yours,

Wm. C. Edwards

121.

Letter from Prime Minister to Senator William C. Edwards

Lettre du premier ministre au sénateur William C. Edwards

LAC/BAC, MG 26 G, vol. 288

Copy/ Copie

Ottawa, 29th. October, 1903.

My dear Edwards,

The subject as to which you write me has been engaging [our?] attention. Dr. Ami has talked the matter over with me and proposes a plan which does not commend itself to my judgment at this moment. The plan which he proposes and which he may also have outlined to you is to get the British Government to issue a proclamation claiming jurisdiction over all the northern Territory. This would simply arouse a storm at this juncture. It is by far preferable to continue the work which we have already commence[d] in that direction. This year we have sent from Newfoundland an expedition to establish a post of the Mounted Police on the Interior shore of the Hudson Bay, and quietly assume jurisdiction in all directions. We have likewise sent over land by the McKenzie river an

⁴² Robert Peary was planning a new expedition, which did not begin until 1905. Robert Peary préparait une nouvelle expédition qui ne débuta pas avant 1905.

expedition down to the mouth of the river where we are establishing a post of the Mounted Police. Next year, I propose that we should send a cruiser to patrol the waters and plant our flag at every point. When we have covered the whole ground and have men stationed everywhere, then I think we can have such a proclamation as is suggested by Dr. Am.

Believe me, as ever,
My dear Edwards,
Yours very sincerely,

[Wilfrid Laurier]

The Hon. Wm. Edwards, Senator,
Rockland.

122.

Despatch from Governor General to Secretary of State for the Colonies
Dépêche du gouverneur général au secrétaire d'État aux Colonies
TNA, CO 42/893

Government House, Ottawa.
17 November, 1903.

Secret.

Sir,

I have the honour to enclose copy of a Minute¹² of Council authorising the despatch of the S.S. "Neptune" with an expedition in charge of Mr. Albert P. Lowe of the Geological Survey of Canada to the Hudson's Bay and northward thereof.

I think it advisable that His Majesty's Government should be made acquainted with the objects of the expedition, which I may say have been kept very secret, and of which I have only been confidentially informed. The ostensible intention of the expedition is geological survey and enquiry into the Hudson Bay fisheries, but it has been to a great extent instigated by the apprehension of the growth of United States influence in the northern seas, as represented by American whalers and explorers, and anxiety as to possible future claims of possession by the United States. Superintendent Moody of the North West Mounted Police with a few men accompanies the expedition, and I believe carry with them a supply of Union Jacks for erection at such points as they may think advisable. It is intended that the "Neptune" should winter at Marble Island or in the locality of Rowes Welcome in the north of Hudson's Bay.

I may say that a North West Mounted Police post has recently been established at the mouth of the Mackenzie River, much on account of similar reasons to those I have mentioned, though I am informed that the United States whalers who made their headquarters there have now moved some 300 miles further east.

I have the honour to be,
Sir,
Your most obedient, humble servant,
Minto

The Right Honourable Alfred Lyttelton, P.C.
&c. &c. &c.

¹² Order-in-Council: Décret du Conseil, 1903-1379, approved on 13 August 1903; approved by 13 June 1903. See: Voir LAC: BAC, RG 2, vol. 859.

Minutes/ Notes

Mr. Cox

It is rather a spreadeagle business. The claim to possession of territory in the neighbourhood of Hudson Bay and the north would be too audacious: and the United States is not peculiarly land grabbing as nations go.⁴⁴

? Copy F.O. [...]

A. F[iddian] 4/12

I don't agree - the expedition seems to me a wise & necessary precaution.

W.D. E[llis] 4/12

What I believe the Canadians have in view is to try & make Hudson's Bay mare clausum so far as the fisheries are concerned. It was mooted at the time of the Beh[ring] Sea controversy, but hitherto no formal assertion of jurisdiction over the waters has been made.

It is certain to be made, and will be a very nice question to arbitrate about.

J. A[nderson] 5.12

H.B. C[ox] 5/12

M.F. O[mmanney] 5/12

M[arlborough] 7/12

A. L[yttelton] 8/12

123.

Letter from Commissioner, North-West Mounted Police, to Comptroller
Lettre du commissaire, Gendarmerie à cheval du Nord-Ouest, au contrôleur
LAC/ BAC, RG 18, vol. 235, file/ dossier 1902-296

Regina, November 25th 1903

Lieut. Col. White C.M.G.

Comptroller N.W.M.P.

Ottawa.

Dear Colonel White,

Referring to the Mackenzie River Detachment, I think Sergt. Fitzgerald's report,⁴⁵ which I forwarded you some time ago, ought to change our views⁴⁶ with regard to the necessity of a Detachment at the mouth of the Mackenzie River.

I think it is a matter of regret that an Officer was not sent in charge of the Detachment to remain there for the winter, as difficulties may arise on Herschel Island with the whalers.

[...]

⁴⁴ Marginal note:/ Note marginale :

?? [Author unknown/ Auteur inconnu]

⁴⁵ See/ Voir doc. 111, footnote/ note en bas de page.

⁴⁶ Constantine's initial report had convinced Perry that the Fort McPherson post should be abandoned. Le rapport initial de Constantine avait convaincu Perry que le poste de Fort McPherson devrait être abandonné.

Considering the importance of prior occupation, as urged by the American authorities in the Alaska Boundary case, we ought to take no chances in establishing ourselves in all unoccupied places which are likely to be of any value.

Yours very truly,

A. Bowen Perry

124.

Despatch from Governor General to Secretary of State for the Colonies

Dépêche du gouverneur général au secrétaire d'Etat aux Colonies

TNA, CO 42/893

Government House, Ottawa.

3rd December, 1903.

Secret.

Sir,

I have the honour to inform you that Sir Wilfrid Laurier called upon me this morning in connection with the proposal of the Dominion Government to purchase Greenland and handed me the enclosed Memorandum which states the views of My Ministers thereon

I have the honour to be,

Sir,

Your most obedient, humble servant,

Minto

The Right Honourable Alfred Lyttleton, P.C.

&c. &c. &c.

Enclosure: Memorandum by Privy Council

Pièce jointe : Note du Conseil privé

Copy/ Copie

MEMORANDUM HANDED TO THE EARL OF MINTO BY SIR WILFRID LAURIER.

Ottawa, December 3, 1903.

It has long been apparent to those who have noted the trend of events in the United States that the most popular policy in the Republic is the extension of its territory. The area at the present day is about eight times greater than that of the 13 colonies whose independence was recognized in the year 1782, and Canadians cannot forget that no inconsiderable portion of the northern part of the United States west of the Great Lakes originally formed part of Canada as ceded by France to Great Britain.

The public men and the press of the United States do not hesitate to foreshadow the time when this Dominion will form part of the Union. They seem to regard that event as the natural destiny of Canada.

In view of those sentiments it is obviously in the interests of the Empire that no additional territory should be acquired by the United States in or adjacent to the north half of the continent of North America. American whaling vessels frequent Hudson's Bay and the rivers of Canada flowing into the Arctic Ocean, and my Government has recently established a post at the mouth of the Mackenzie River, not only as a protection to the

natives, but also as an evidence of British sovereignty over that remote section of the continent.

It will be remembered that some years ago the Government of the United States made a persistent effort to purchase the Danish West India Islands, and a treaty transferring these islands to the Republic was actually signed, but the Danish Landsting refused to confirm the agreement.

As American whalers and fishermen frequent the waters opposite the west coast of Greenland, it is not improbable that stimulated by the profitable investment Alaska has proved, a proposal might be made to acquire Greenland from Denmark; in order to defeat the possibility of its acquisition by the United States, Canada would be willing to purchase that territory. Your Ministers would, therefore, request that the subject might be confidentially taken up with the Danish Government and its views ascertained on a proposal for the acquisition of Greenland by Great Britain for and at the expense of Canada.

Minutes/ Notes

Sir J. Anderson

I read this as committing Canada to finding the purchase money and the cost of administration, but it is not definite.

? Copy F.O. and suggest approaching Denmark.

A. F[iddian] 19/12

The task of approaching Denmark will not be facilitated by the publication in Ottawa (see to-day's Standard) of the desire of the Canadians to acquire it.

W.D. E[llis] 21/12

See the newspaper extract herewith.⁴⁷ If the Canadians intend business they are going to work the wrong way in advertising their intentions in this fashion. I think it is the worst possible policy to advise the U.S. of their intentions and perhaps induce them to bid against them, apart from the fact that it gives those in Denmark who are opposed to dismembering the Danish dominions timely notice, and opportunity to organize opposition. As it is we can only send this on to F.O. with a request that they will endeavour to ascertain confidentially whether Denmark is disposed to treat on the question.⁴⁸ If Denmark is so disposed then I think Canada shd be invited to send its own agent to do the haggling over the cash, as we don't want them to have to say that we made an unprovident bargain for them.

J. A[nderson] 21/12

H.B. C[ox] 21/12

M.F. O[mmanney] 22/12

A. L[yttelton] 30/12

⁴⁷ "Expansion of Canada. Scheme of Annexation." See also: Voir aussi: "Newfoundland and Greenland. How Would the Dominion Look With Them Added? Movement at Ottawa," *Globe* (Toronto), 21 December 1903, p. 2.

⁴⁸ The British minister in Copenhagen, Sir Edward Goschen, reported on 18 February 1904 that the Danish government would not consider such a sale. Le ministre britannique à Copenhague, sir Edward Goschen, indiqua le 18 février 1904 que le gouvernement danois n'envisagerait pas une telle vente. See/ Voir TNA, CO 42/898.

125.

Report from Officer Commanding "M" Division, Hudson Bay, to Comptroller,
North-West Mounted Police

Rapport de l'officier commandant la Division « M », Baie d'Hudson, au contrôleur,
Gendarmerie à cheval du Nord-Ouest

LAC/BAC, RG 18, vol. 281, file/dossier 1904-716

Fullerton, 8th Dec: 1903.

The Comptroller [Frederick White]

N.W.M. Police

Ottawa.

Sir,

I have the honor to forward this my Report of the Hudson Bay Expedition, so far as it concerns the N.W.M. Police [...]

Customs. All trading stations at which the "Neptune" called were notified that duty on imports would be collected in future, commencing 1st Janry 1904. I am reporting to the Hon: The Minister of Customs direct on this subject.

Detachments. Owing to the enormous extent of these Territories, to the distance between the various small whaling & trading stations and the shortness of the season in which work can be done, it will be impossible for the Police to visit each [whaling station] more than once a year, under present arrangements. At all these stations the natives congregate but, as we found this year, many of them are likely to be absent hunting when the gov^t Steamer arrives. Then the time in which the work must be done is so limited, that a day or at most two is all that can be given to each place. After much consideration, I have concluded that the only practical way of policing these Territories and getting in touch with the natives, is the establishment of small posts of say 1 N.C.O & 2 Constables at each principal trading or whaling (which is the same thing) station. I would therefore suggest for your consideration, that posts be established as follows;—

Eric Harbor, Cape Wolstenholme, as Head Quarters with 1 officer, 1 N.C.O & 4 duty Constables & 1 off: servant

and detachments consisting of 1 N.C.O & 2 Constables at each of the following places:

Repulse Bay on west side of Hudson Bay.

Fullerton. D^o

Churchill. D^o

"Port Harrison", Hopeful Narrows (58° 30' N.) on East side of H. Bay.

"Black Lead" or "Kickaston", Cumberland Sound.

"Ponds Inlet", Lancaster Sound.

Port Harrison is where M^r Low spent a winter.

If another post was placed at Baker Lake, Chesterfield Inlet, there would then be a line of posts around the Bay and communication could be had with the outside world during the winter, should necessity arise. This country being barren of wood is much more difficult to travel in than the Yukon, and therefore posts where supplies of food for men & dogs & fuel can be obtained are a necessity. Wolstenholme, Repulse Bay & Fullerton are the most important places for posts on the Bay, then Baker Lake & Port Harrison as intermediate posts. I would not have mentioned Fort Churchill, had I not understood a post was to be located there. Arrangements that the [Hudson's Bay] Company's officer there assist the Police by supplying as far as possible any patrols arriving from the north and by forwarding to Winnipeg any packets sent from a police post, would do away with the

necessity of a post, or at least the number of men could be reduced. It may be found expedient to place one, another year, on Big Island or on [the] main land of Baffin where a Mica mine is being worked.⁴⁹ and also at Fort Chimo, Ungava Bay. In any case, Fullerton and Repulse Bay are the important places on this side (West) of the Bay and Wolstenholme as principal port of Entry on the East side, for all vessels going through the Hudsons Straits.

Observation Post. A good post for observation of the ice in [the] Strait and at entrance to Hudson Bay could be had by erecting a small look out station on the Cape. This forms the western of the two headlands forming the entrance to the harbor.

Fullerton. This place is one of the best winter harbors on the west side and is on that account a good place for a post. There is a fine game country comparatively near and an abundance of large lake trout & salmon are to be had in a river about 15 miles distant at the head of a sheltered inlet, besides smaller trout in small lakes on the main land from 3 to 5 miles from the present Barracks. [...]

Natives. [...] The Esquimaux are practically robbed by whalers and traders. The return given them for valuable furs & whalebone is a mere nothing. [...] If anything approaching a fair value was given in clothing, provisions &c for furs & whalebone, the native would be able to lay up a stock of food and maintain himself in something like comfort. The cost of maintaining detachments at the various points would be very materially lessened if supplies of articles for trade with the natives were sent to each post, and a regular trade established, besides being of great advantage to the natives. The Moravian Missionaries work on this plan, and as I am informed it works well & profitably, but you will be well informed on this subject. In intellect and quickness in picking up ideas, the Esquimaux are in advance of the ordinary Indian. They are easily satisfied and assistance in the way suggested would be a great benefit to them and much appreciated. They are not beggars, but expect to pay for whatever they receive, and never question the whitemans prices. They never ask for anything unless they have something to trade for what they require. A Doctor is an unknown person up here, and these people live or die according as the constitution is able to overcome the disease, in many cases [...] brought by whitemen. D' Borden the Surgeon of the "Neptune" has been unceasing in his exertions to alleviate the distress amongst them, and I am pleased to be able to bear testimony to the success which has rewarded him and to the gratitude of the natives. This, however, will no doubt be reported upon by the Surgeon. I would merely mention one thing in this connection which was brought to my notice by D' Borden viz the great benefit which a small hospital at each post would be. [...]

Whale fishing. Whales are becoming very scarce in these waters, and unless some restriction is put upon the number taken a difficult law to enforce or fishing by whitemen is prohibited entirely for some years, they are likely to become extinct. If the latter was done and the care of natives taken up by the gov^l as suggested earlier in this report, by supplying them with a few completely fitted out boats to be paid for in bone it would materially aid these people besides being a source of income to the gov^l. [...]

Musk ox. On arrival here I found that the slaughter of these animals for the sake of their skins, was much greater than was supposed. The U.S. Schooner "Era", now wintering at Fullerton, on her last voyage took home over 350 skins. The Scotch steamer "Active" had, I am informed[.] between 150 & 200 skins. The "Era" had already, prior to 7th Nov., about 90 skins on board. There is no way of enforcing a close season as all the whaler would have to do would be to leave the skins with the natives until the season for hunting opened. The native cannot be prevented from killing for food and will kill as long as there is a

⁴⁹ See/ Voir LAC/ BAC, RG 85, vol. 1737, file/ dossier 20075.

market for the hides. These animals are becoming more scarce every year and even the whalers agree that at [the] present rate of killing they will soon become extinct in these districts. The only means of preventing such extermination is to treat them as the Buffalo is treated & prohibit the export of the skins &c. & prohibit the having in possession by all person[s] other than a native. Knowing the wish of the gov. on this matter I took the only method which would be of practical use and issued a notice prohibiting the export &c. on the 8th Nov. last. The "Fra" was on the point of despatching a large party of natives to hunt these animals and any action to be effectual, had to be decisive and taken at once. Under the circumstances I issued the notice - copy⁵⁰ attached. It was effectual, the Natives did not go. [] I trust that my action in this matter will meet with the approval of The Hon^{ble} The Minister, and the notice be confirmed. Circumstances arise sometimes in these out of the way places where it is necessary to make a law to suit the case, and I shall be glad to be informed whether in such cases I shall be upheld in taking such action as I may deem necessary.

I have not been able as yet to send the notices to the stations at the Wager River & Repulse Bay but hope to get them through in the beginning of Janry.

[]

Hudson Straits & Bay. Are these to be considered as coming within the meaning of Inland Waters. I should be glad to know which, if any, of these waters come within this as held by the Dom: Gov^t. This may be an essential point at some time.

I have the honor to be

Sir

Your obedient Servant

J.D. Moodie Supt.

126.

Letter from Officer Commanding "M" Division, Hudson Bay, to Comptroller, North-West Mounted Police

Lettre de l'officier commandant la Division « M », Baie d'Hudson, au contrôleur, Gendarmerie à cheval du Nord-Ouest

LAC/BAC, RG 18, vol. 281, file/ dossier 1904-716

Fullerton, 9th Dec: 1903.

My dear Col [White]:

I am writing to you personally in addition to official correspondence, as perhaps I can more freely endeavor to impress the necessity of certain suggestions of mine.

Musk ox. Regarding these it was a difficult matter for me to decide what to do. I understood from you that the gov. was desirous that the destruction of these animals should be stopped. The N.W. Ordinances merely give a close season for them & this would not be effectual here. Moreover these animals are chiefly killed in Keewatin which, I take it, is not

⁵⁰ Not found. Non retrouvée.

part of the unorganized Territories, therefore the ordinances would have no effect here.⁶¹ My Commission as Com^r of Police⁶² does not give me jurisdiction in Keewatin it being already part of one of the provinces. Anything I may do here therefore or anywhere on the west side of Hudson Bay is actually illegal and I must either let things slide or take chances of being hauled over the coals. If there is a necessity for acting I shall take chances, but shall be glad if you will let me have the fullest instructions as to [the] extent of my authority. Also whether I am authorised to make any regulations which I may deem necessary, where there is no Dom: Statute to cover it.

[...]

Re Detachments. I have very little expectation that my suggestions will be carried out, but if the gov^t is desirous of taking over these Territories & enforcing the claim of the Dom: to them, I see no other means of doing it. Believing this I consider I would be to blame did I fail to state my opinions, it then rests with the gov^t to act on them or not as appears desirable. Whether my suggestions regarding the various small detachments meet with your approval or otherwise, I would most strongly urge the desirability of having H^d Qtrs and principal port of Entry & Customs at Wolstenholme. Repulse Bay is also a most important place. Unless there is a post there, the whalers will take up winter quarters there and can do just as they like and be away long before our steamer arrives from home. Fullerton & Repulse Bay are the only two good places for wintering here. Marble Island has been given up – and by having posts there we practically command the situation. There are a large number of Natives on the East side of the Bay and Wolstenholme is one of the places they congregate at. There is good hunting & fishing there, a good level valley at head of bay, & fine water. A small vessel might eventually be kept here & used for patrolling the straits & Hudson Bay. Information could also be obtained here regarding the state of the ice, if [a] small look out station was erected on the Cape, provided with powerful glasses. One or two days will be all the time our steamer can spend at each whaling station and this will do but little practical good. The yearly vessels coming out to these stations will in some cases not have arrived when our steamer gets there & so nothing can be done. The natives are liable to be absent hunting &c. as on our last trip. Unless some post is erected & maintained it appears to me that the fact of a Can: gov^t vessel visiting a place once a year for a day or two will give but very slight grounds on which to uphold a claim to a territory peopled by natives & whitemen other than Canadians, in some places the latter are not even British subjects. The initial cost would no doubt be considerable, but I believe that there would be a fair return if trading, as I suggest, was carried on. Such trading, if whalebone was included, might to a certain extent drive whalers away, but that would be no loss to the natives if the gov^t took their places. Anything done

⁶¹ The closed season for muskox had been created not by the Northwest Territories Game Ordinance but rather by a federal statute, the Unorganized Territories' Game Preservation Act, 57-58 Vict. (SC 1894) c. 31, ss. 2, 5, 8, 26. Only the Districts of Assiniboia, Saskatchewan, and Alberta were subject to the territorial Game Ordinance rather than to the federal law. The District of Keewatin was explicitly included in the territory to which the 1894 Act applied. Accordingly, a closed season for muskox did exist in Keewatin.

La période d'interdiction de la chasse au bœuf musqué n'avait pas été établie par The Game Ordinance des Territoires du Nord-Ouest, mais par un statut fédéral, l'Acte relatif à la conservation du gibier dans les Territoires non organisés, 57-58 Vict. (SC 1894) c. 31, art. 2, 5, 8, 26. Seuls les districts d'Assiniboia, de la Saskatchewan et de l'Alberta étaient soumis à l'arrêté territorial sur le gibier plutôt qu'à la législation fédérale. Le district de Keewatin étant explicitement inclus dans le territoire auquel l'Acte de 1894 s'appliquait. En conséquence, une période d'interdiction de la chasse au bœuf musqué existait à Keewatin.

⁶² See/ Voir doc. 115.

to drive the traders away unless the gov[ernment] steps in to take their place will be a serious matter for the natives, who have now become accustomed to many things – rifles amongst others – obtained from whitemen & cannot well do without them.

[...]

Cap. Could I trouble you to order and send to me one of the new pattern undress caps (size 7) with embroidered badge. The more gold and uniform one can put on up here the better with the whalers – so that if the peak is embroidered with gold leaves as are the staff caps, so much the better. We shall be visiting Danish ports on our way along Greenland next year, and must put on some style before the governors there.

[...]

Believe me my dear Colonel
Yours very sincerely
J.D. Moodie

[...]

127.

Letter from Commander, Canadian Government Expedition, to Deputy Minister of Marine and Fisheries

Lettre du commandant, expédition du gouvernement du Canada, au sous-ministre de la Marine et des Pêcheries

LAC/BAC, RG 12, vol. 49, file/ dossier 1654-34

Cape Fullerton, 10th. Dec. 1903

Dear Col. Gourdeau

We have discovered a couple of Eskimos who are willing to take our Mail as far as Churchill, and are in a hurry to be off, so I am a bit behind in my correspondence, as I did not expect to send away the letters until after Christmas.

Under this cover, I am sending you a short official report[.]† reserving any scientific information for the final report.

You will also kindly find enclosed a Memorandum, containing my ideas as to the places where stations should be established, if such stations must be established, but my opinion, expressed before leaving [Halifax], as to the uselessness of such stations,⁵³ has been strengthened by the past seasons experience. Take the case of the American whaler “Era” wintering along side of us; her Captain is not a bit pleased with our company, as Major Moodie has issued a Proclamation forbidding the trade in musk ox skins, and on the 1st. of Jan. intends to enforce the Customs. I have nothing to say as to the advisability of springing these regulations, but I know that next winter the “Era” will winter as far as possible from Cape Fullerton.⁵⁴ The use of this post as regards the overseeing of the whaling vessels, will then be ended. It appears to be the intention of the N.W.M.P., to act in the capacity of mothers to the natives, who have already been informed that when hard up they must come to the post and get relief, this will result in all the Eskimos between Churchill and the North Pole congregating here, as they are always hard up, especially when free rations are to be had. I only allude to this matter, on account of the load of

⁵³ See Voir l'ow to Gourdeau, 3 August 1903, and enclosure et pièce jointe, also in file, aussi au dossier 1654-34.

⁵⁴ In fact, Captain Comer of the *Era* did winter again at Fullerton in 1904-1905. En fait, le capitaine Comer du *Era* passa l'hiver de nouveau à Fullerton en 1904-1905.

provisions required to carry out the scheme, and personally would be pleased to see the natives fed always.

In my opinion the only way in which the Customs and other regulations can be enforced is from a ship cruising in these waters, and capable of following the whalers from place to place.

[...]

We are fortunate in having Major Moodie, Sergt. Dee and the N.W.M.P. constables, all of whom have always been agreeable and helpful. Major Moodie is very nice socially, and we try to mutually assist one another, and so have gotten along without friction.

[...]

We expect to get out of the harbour sometime about the first of July, when if the ice will allow, we will go north to Repulse Bay, so that Major Moodie may enforce the Customs and other regulations on a poor devil of a Scotchman, who is wintering there in a small sloop. After that, if time and coal will allow, it is the intention to go to Churchill, for similar purposes, before looking for the relief steamer. After that the programme in my instructions will be followed, subject to any change due to new instructions by the ship.

[...]

Kindly give my sincere respects to the Hon. Mr. Prefontaine; and remember me kindly to Capt. Spain and other enquiring friends.

With the best of thanks and wishes

I remain

Yours sincerely

[A.P. Low]

To Col. F. Gourdeau

Deputy Minister Department of Marine and Fisheries

Ottawa

Enclosure: Memorandum by Commander, Canadian Government Expedition
Pièce jointe : Note du commandant, expédition du gouvernement du Canada

MEMORANDUM

CONCERNING THE ESTABLISHMENT OF GOVERNMENT STATIONS
 ON HUDSON BAY AND ON ISLANDS TO THE NORTHWARD.

If, by the establishment of Government Stations on Hudson Bay and on the Arctic Islands to the Northward of those waters, it is the intention of the Canadian Government to, primarily, assert sovereignty over the territories, where such are established, a number of considerations should be taken [in]to account, in selecting the sites for such establishments.

The Sovereignty of Canada, to the territories draining into Hudson Bay is assured, from the purchase of the Territories of the Hudson's Bay Company by the Canadian Government. These territories were granted, to the Company, by Charles II., and the right to them was recognised by the Treaty of Utrecht.

This being the case, there can be little use in establishing stations, on the mainland of the continent, in the waters of Hudson Bay.

[...]

A station established at Blacklead Island, in Cumberland Gulf, would be central, and, with the aid of a whale boat, a small detachment with headquarters at that place, could enforce regulations, at all the whaling stations there, and at Cyrus Field Bay.

The advisability of establishing a Government station, close to the lately established whaling station, at Pond Inlet, the first great bay south of Lancaster Sound, cannot be discussed at present. But, if after the visit of the "Neptune", to that place next summer, it is found that a station can be established at that far away place, without subjecting the men left there to great hardships, it might be found well to do so.

Pond Inlet is visited annually, by all the whaling ships of northern Baffin Bay and Lancaster Sound, and is the home of the northern Eskimos of Baffinland, and in consequence is a favourable place, from which to enforce the regulation necessary in the far North-east.

The whole respectfully submitted.

A.P. Low
Officer in Command of the Government
Expedition to Hudson Bay and Northward.

Cape Fullerton, 10th. December, 1903.

128.

Memorandum from Minister of the Interior to Chief Astronomer

Note du ministre de l'Intérieur à l'astronome en chef

LAC/BAC, MG 27 II D-15, vol. 253

Copy/ Copie

Ottawa, 11th December, 1903.

Mr. W.F. King,

I wish to have an exhaustive report upon the title to all our Northern Islands, that is to say, to everything north of the Mainland of Canada between Greenland on the one side and the Alaska line on the other.

After the experience that we have had in connection with the Alaska Boundary you will know without any difficulty what I require. It is a short but complete statement of the effect of all the legal instruments bearing upon the title, all acts of Occupation, etc. Of course I do not wish anything of merely historical interest. What I want is a practical report to put me in possession of the situation as it is now.

I presume it will be necessary to have parts of it supervised by the Justice Department. I wish you would take it in hand at once and give it your best attention. If you wish the assistance of any other members of the Civil Service please indicate to me who you think would be of service. I would like to have the report at the earliest date possible.⁵⁵

[Clifford Sifton]

⁵⁵ See/ Voir doc. 138.

129.

Despatch from Ambassador of United Kingdom in United States to Secretary of State for Foreign Affairs

Dépêche de l'ambassadeur du Royaume-Uni aux États-Unis au secrétaire d'État aux Affaires étrangères

TNA, FO 5/2524

British Embassy, Washington,
December 17, 1903.

No. 347

My Lord,

Some comment has been aroused in the American press by the expedition of the sealing steamer "NEPTUNE", which, it is stated, has been dispatched by the Dominion Government to Hudson Bay, not only with the object of exploring the Strait which forms the entrance to the Bay and ascertaining how far it may be available as a grain route, but also in order to establish police posts along the coast and to expel American fishing vessels from the Bay, claiming it to be territorial water.

Some weeks ago a lengthy letter on the subject was published in the "NEW YORK TRIBUNE".⁵⁶ It remarked that the proverbial cloud, no bigger than a man's hand, but threatening to envelop the whole horizon of Anglo-American harmony was visible in the form of a dispute over the ownership of Hudson Bay. The United States had so far shown no disposition to question the proceedings of the "NEPTUNE", doubtless awaiting practical evidence of what was being done, before interfering on behalf of American fishermen.

Some notices also appeared subsequently in a Washington paper on the subject.⁵⁷

I have now the honour to transmit an article, by Mr. P.T. McGrath, editor of the *EVENING HERALD* of St. John's, Newfoundland, published in the December number of "THE NORTH AMERICAN REVIEW", under the heading of "A New Anglo-American Dispute".⁵⁸

The article reviews the historical aspect of the question and concludes by pointing out that, should Canada affirm her claim to treat Hudson Bay as a closed sea and expel American whalers, who have, it is argued, prosecuted their fishing industry without interference for some sixty years, a dispute may be raised equal in importance to that of the Alaska Boundary Controversy.

I have the honour to be,
With the highest respect,
My Lord,
Your Lordship's most obedient,
humble Servant,
H.M. Durand

The Marquess of Lansdowne, K.G.,
etc., etc., etc.

⁵⁶ This letter was not located; however, a reference in the 2 October 1903 issue of the *Tribune* indicates that it was published during the week of 21-26 September. Cette lettre n'a pas été retrouvée, mais une mention dans l'édition du 2 octobre 1903 du *Tribune* indique qu'elle fut publiée au cours de la semaine du 21 au 26 septembre.

⁵⁷ "Canada Aims to Close Hudson Bay Waters," *Washington Times*, 12 December 1903, p. 2.

⁵⁸ P.T. McGrath, "A New Anglo-American Dispute: Is Hudson Bay a Closed Sea?" *North American Review*, vol. 177, no. 6 (December 1903), pp. 883-896.

130.

Memorandum from Comptroller, North-West Mounted Police, to President of Privy Council

Note du contrôleur, Gendarmerie à cheval du Nord-Ouest, au président du Conseil privé

LAC/BAC, RG 15, vol. 707, file/dossier 357602

Copy/Copie

Ottawa, 2nd January, 1904.

Memorandum [to Sir Wilfred Laurier]:-

The Government having decided that the time had arrived when some system of supervision should be established over the extreme northern part of the Dominion, the S.S. "Neptune" was despatched from Halifax in August last for service in Hudson's Bay and the waters adjacent thereto.

[...]

It is now recommended that the Government [...] make this a permanent service, and extend it to the whole of the extreme northerly portion of the Dominion, and that the territory, Waters and islands be divided into two Districts, to be known as Eastern and Western; the Eastern District to extend from Cape Chidley westward, and the Western district from Herschell Island eastward - the dividing line to be undefined for the present.

EASTERN DISTRICT.

1. A suitable vessel, to be purchased or chartered, to be employed continuously in the Eastern District.

2. Supply Depots to be established, where coal, provisions, &c., shall be stored under proper shelter. The Depots to be stocked for two years and replenished from time to time by a boat to be sent from Halifax, which shall carry relief men to take the places of those who have served two (or three) years in the North.

3. A small detachment of Police to be stationed at the Supply Depots and such other places as may be found desirable as development advances.

4. The Officer in charge of the Police to be vested with power for the enforcement of the laws of the Dominion, and N.C. Officers in charge of Detachments to be given discretionary authority within reasonable limits.

WESTERN DISTRICT.

1. A suitable vessel to be secured on the Pacific Coast, or one of the Whaling Boats now in Mackenzie Bay to be purchased or chartered for service from Herschell Island eastward.

2. A detachment of Police to be stationed on Herschell Island and at such other points as may be deemed desirable from time to time - connection being kept up by Police Patrols on the Mackenzie River.

Supplies to be sent from British Columbia or Edmonton and stored at Herschell Island.

3. The general instructions for this district to be similar to those suggested for the Eastern District.

This will be a costly service - particularly during the first two or three years - as it will be necessary to purchase supplies to be placed in reserve for emergencies, and the undersigned would suggest that an appropriation of not less than \$125,000. for the Eastern.

and \$75,000. for the Western District total \$200,000. be placed at the disposal of the Department of the North West Mounted Police.⁵⁹

Respectfully submitted,

[Frederick White],
Comptroller.

131.

Letter from Assistant Under-Secretary of State for Foreign Affairs to Under-Secretary of State for the Colonies

Lettre du sous-secrétaire d'État adjoint aux Affaires étrangères au sous-secrétaire d'État aux Colonies

TNA, CO 42/898

Foreign Office.
5 January 1904.

Secret.

Sir,

I am directed by the Marquess of Lansdowne to acknowledge the receipt of your letter† No. 43369 of the 9th. ultimo, forwarding a copy of a Despatch from the Governor General of Canada relative to the despatch of the Steam Ship "Neptune" with an expedition to Hudson Bay.

In connection with this matter, I am to transmit to you for the information of Mr. Secretary Lyttelton the accompanying copy of a Despatch⁶⁰ from His Majesty's Ambassador at Washington enclosing an article by Mr. McGrath, editor of the Evening Herald of St. Johns, Newfoundland, published in the December Number of the "North American Review", under the heading of "A New Anglo-American Dispute".

As it appears that there has been some discussion in the American press as to the objects of the Canadian Government in despatching this expedition, Lord Lansdowne considers it desirable that he should know the precise nature of the instructions given to the officers in charge and I am to enquire whether Mr. Secretary Lyttelton would be willing to obtain this information from the Dominion Government.

I am, Sir,
Your most obedient,
humble servant,

F.H. Villiers

I am to add that a copy of your letter on the subject has already been forwarded to His Majesty's Ambassador.

The Under Secretary of State [Sir Montagu Ommanney]
Colonial Office.

⁵⁹ The sum of \$200,000 was approved by the House of Commons on 29 July 1904. See Canada, *House of Commons Debates*, 9th Parliament, 4th session, vol. 67, cols 7968-7969. / La somme de 200 000 \$ avait été approuvée par la Chambre des communes le 29 juillet 1904. Voir Canada, *Chambre des communes. Débats*, 9^e législature, 4^e session, vol. 67, col. 8077-8078. However, only \$30,000 was assigned to the NWMP, while the rest went to the Department of Marine and Fisheries for the purchase of a ship and other expenses. Cependant, seulement 30 000 \$ furent assignés à la GCN-O alors que le reste allait au ministère de la Marine et des Pêcheries pour l'achat d'un navire et autres dépenses. See Voir Order-in-Council/ décret du Conseil 1904-1563, approved on 17 August 1904/ approuvé le 17 août 1904, LAC/BAC, RG 2, vol. 878.

⁶⁰ Doc. 129.

132.

Memorandum by Governor General**Note du gouverneur général***TNA, CO 42/896*

NOTE OF CONVERSATION BETWEEN THE EARL OF MINTO AND SIR WILFRID LAURENCE
AT GOVERNMENT HOUSE, OTTAWA, 9TH OF JANUARY [1904].

Secret.

I told Sir Wilfrid that Sir Mortimer Durand had written⁶ to me that he is anxious as to relations between the United States and Canada and had referred especially to the fisheries of Hudson Bay and to pelagic sealing. As regards the former I asked Sir Wilfrid his view of Canada's position, viz — as to whether he was inclined to consider the fisheries in connection with the 3 mile limit from the shores of Hudson Bay itself or whether considering the narrow entrance to Hudson Bay from the ocean he considered it a mare clausum with all rights reserved to Canada. He said he was not clear as to the actual position at present, though Canada undoubtedly claimed rights over Hudson Bay. He told me that the Government had decided to send another ship next summer to the North of Hudson Bay to Baffins Land &c., with the idea of planting flags indicating Canadian possession. I told him that I should have thought there could have been no manner of doubt as to the Canadian possessions to the North of Hudson Bay up to the North Pole. He said there certainly was no doubt, but that the Americans might establish posts and subsequently claim possession of lands in the far North from which it might be very difficult to dislodge them, and he quoted the American post at the mouth of the Mackenzie River. He said that it had now been determined to claim Customs duties from American traders in the North who had till recently been in the habit of carrying on trade with the Indians without any liability, and that possibly the enforcement of such regulations might raise objections on the part of such traders.

[...]

133.

Despatch from Governor General to Secretary of State for the Colonies**Dépêche du gouverneur général au secrétaire d'Etat aux Colonies****TNA, CO 42/896**

Government House, Ottawa.

18 January.1904.

Secret.

Sir,

With reference to your Cypher cable† of the 11th instant, I have the honour to transmit herewith a copy of the instructions⁶¹ given to the officers in charge of the S.S. "Neptune" expedition to Hudson Bay and Northward thereof.

I have the honour to be,

Sir,

Your most obedient, humble servant,

Minto

The Right Honourable Alfred Lyttelton, P.C.

&c. &c. &c.

Minutes/ Notes

Sir J. Anderson

There is nothing in these instructions to which exception can reasonably be taken. One must assume that the Canadian Gov^l has selected officers who will act with discretion.

? Copy F.O. [...]

A. F[iddian] 28/1

So proceed.

W.D. E[llis] 29/1

J. A[nderson] 29.1

H.B. C[ox] 29/1

M.F. O[mmanney] 30/1

M[arlborough] 31/1

A. L[yttelton] 2/2

⁶¹ Docs 114, 116.

134.

Decoded Telegram (Paraphrased) from Secretary of State for the Colonies to Governor General

Télégramme décodé (paraphrasé) du secrétaire d'État aux Colonies au gouverneur général

LAC/BAC, RG 7 G-21, vol. 169, file/ dossier 296

London, 18th March, 1904.

Secret.

MR LYTTELTON TO LORD MINTO.

His Majesty's Government have received a telegram* from His Majesty's Ambassador at Washington enquiring whether His Majesty's Government regard Hudson's Bay Straits as "part of Canada". Ambassador states that United States Government has not shown any interest in the voyage of the "Neptune" but intimates that assertion of Canadian authority over those waters may not improbably arouse popular feeling in the United States and he would like to be sure of position in advance.

The Ambassador further remarks that there might be trouble about some of the Islands and waters to the North of Hudson's Bay Straits, but that the main point is the status quo of the Straits and Hudson's Bay.

Please send by early mail a full statement of the views of Your responsible advisers

135.

Decoded Telegram (Paraphrased) from Governor General to Secretary of State for the Colonies

Télégramme décodé (paraphrasé) du gouverneur général au secrétaire d'État aux Colonies

TNA, CO 42/896

[Ottawa, 21 March 1904]

Your telegram of 18th March. Subject being a very important one memorandum is being prepared and will be forwarded as soon as possible.

[Minto]

⁶² The draft telegram reads: / Le projet de télégramme se lit comme suit :
the main point is the status of the straits and H[udson] bay. (TNA, CO 42 898.)

136.

Letter from Minister of Marine and Fisheries to President, Geographical Society of Quebec

Lettre du ministre de la Marine et des Pêcheries au président, Société de géographie de Québec

LAC/ BAC, MG 30 B-21, vol. 1, file/ dossier « Correspondance 1901-1908 »

Ottawa, 31 mars, 1904.

Cher monsieur,

En réponse à votre lettre⁶³ touchant l'expédition qui sera sous le commandement du Capitaine Bernier, je dois vous informer que cette expédition aura tout simplement pour but de ravitailler le "Neptune", qui se trouve actuellement au nord de la Baie d'Hudson.⁶⁴

Cependant, je compte établir bientôt un service permanent dans ces eaux, dans le genre de ceux des côtes de l'Atlantique et du Pacifique. Cette question est à l'étude [...]

Bien à vous,

R. Préfontaine

Mr. N. LeVasseur,
Québec.

137.

Letter from Geographer, Department of the Interior, to Secretary, Geographic Board
Lettre du géographe, ministère de l'Intérieur, au secrétaire, Commission de géographie

LAC/ BAC, RG 21, vol. 153, file/ dossier 38

Ottawa, May 5th, 1904

Dear Mr. Witcher,

Several months ago the Royal Geographic Society discussed⁶⁵ the advisability of adopting the name Ellesmere Land to include the large insular area between Lat. 76° and 84° N. and between 62° and 90° W., particularly as a number of American explorers have dubbed various portions of it "Schley Land", "Arthur Land", "Garfield Coast", "Grant Land" etc, and in some maps, notably that in the Century Atlas⁶⁶ they have coloured it a

⁶³ LeVasseur à Gourdeau, 12 mars 1904, LAC/ BAC, RG 42, vol. 105, file/ dossier 25447.

⁶⁴ Compare this statement to Bernier's claim in his autobiography that the original goal of the 1904-1905 voyage was the North Pole./ Comparez cette déclaration à l'affirmation de Bernier dans son autobiographie selon laquelle l'objectif original du voyage de 1904-1905 était le pôle Nord.

See/ Voir Bernier, *Master Mariner and Arctic Explorer: A Narrative of Sixty Years at Sea from the Logs and Yarns of Captain J.E. Bernier, F.R.G.S., F.R.E.S.* (Ottawa: Le Droit, 1939), p. 305.

⁶⁵ See Voir Clements R. Markham, "Address to the Royal Geographical Society, 1903," *Geographical Journal*, vol. 22, no. 1 (July 1903), p. 7n.

⁶⁶ Benjamin E. Smith, ed., *The Century Atlas of the World* (New York: Century, 1897), Modern Maps.

On the world map (no. 1) and the map of North America (no. 4), both Ellesmere Island and northern Greenland are shown in the same colour as the United States; all the other islands are in the same colour as Canada. However, in no. 3, showing the region around the North Pole, although Ellesmere is in a different colour than the rest of the Canadian islands, it is also in a different colour than Alaska.

Sur la carte du monde (n° 1) et la carte de l'Amérique du Nord (n° 4), l'île d'Ellesmere et le Nord du Groenland sont présentés de la même couleur que les États-Unis; toutes les autres îles sont de la même

different colour as if it did not form part of the Dominion. I have not had time to hunt up the explorer who gave it this name" but it certainly antedates all work done in this vicinity by natives of the United States." "I think that the Board should take this up" particularly as the Dom. Govt. has sent a vessel up to raise the flag on it.

James White
Geographer.

A.H. Witcher, Esq.,
Secretary, Geographic Board

138.

Memorandum from President of Privy Council to Governor General
Note du président du Conseil privé au gouverneur général
LAC/BAC, RG 2, vol. 875

[Ottawa]

On a report[†] dated 20th May 1904, from the Minister of the Interior [Clifford Sifton] submitting a copy of a report upon the title to the Islands and waters north of the Canadian Mainland by Mr W.F. King, Chief Astronomer of the Department of the Interior,

couleur que le Canada. Cependant, sur la carte n° 3 présentant la région autour du pôle Nord, bien qu'Ellesmere soit d'une couleur différente du reste des îles canadiennes, elle est aussi d'une couleur différente de l'Alaska.

⁶⁷ Edward Inglefield.

⁶⁸ Marginal note/ Note marginale :

Ellesmere Land on map in Sherard Osborn's "Discovery of the North West Passage", London 1887
[James White]

⁶⁹ The name was approved by the Geographic Board on 30 May 1904. In 1916 Captain Thomas Washington, the Hydrographer of the United States Navy, wrote that his office was preparing a new Arctic chart and had decided "to accept and follow the decisions of the Geographic Board of Canada" regarding the name Ellesmere Island and other names.

Le nom fut approuvé par la Commission de géographie le 30 mai 1904. En 1916, le capitaine Thomas Washington, l'hydrographe de la Marine américaine, écrivit que son bureau préparait une nouvelle carte de l'Arctique et avait décidé d'accepter et d'observer les décisions de la Commission de géographie du Canada concernant le nom de l'île d'Ellesmere et des autres noms.

See: Voir Washington to Minister of Marine and Fisheries, 20 January 1916 and, et 11 February 1916.
LAC, RG 42, vol. 116, file/ dossier 26152.

⁷⁰ On the origin of this report, see doc. 128. King submitted two reports, the first on 23 January 1904 and the second on 7 May 1904. The original versions of both reports are in LAC, RG 15, vol. 707, file 357602. A copy of the second report is attached to the Order in Council. The two reports were subsequently printed together for internal government use. This version is widely available in microfiche format. The first report has also recently been reprinted in an edited documents collection; readers should be aware of the transcription errors in this collection.

En ce qui concerne l'origine de ce rapport, voir doc. 128. King soumit deux rapports, le premier le 23 janvier 1904 et le deuxième le 7 mai 1904. Les versions originales des deux rapports se trouvent dans BAC, RG 15, vol. 707, dossier 357602. Une copie du deuxième rapport est jointe au décret. Les deux rapports furent par la suite imprimés ensembles aux fins d'usage interne du gouvernement. Cette version est largement disponible en format microfilm. Le premier rapport a aussi été récemment réimprimé dans une collection de documents révisés, les lecteurs devraient être conscients des erreurs de transcription dans cette collection.

See: Voir W.F. King, *Report upon the Title of Canada to the Islands North of the Mainland of Canada* (Ottawa: Government Printing Bureau, 1905); Canadian Institute for Historical Microreproductions/ Institut canadien de microreproductions historiques no. p. 85250, Peter Kikkert and P. Whittier.

The Minister recommends that a copy of the said report with accompanying maps⁷¹ and appendix be transmitted to His Majestys Government and that His Majestys Government be advised that in the view of the Canadian Government the Waters of Hudson's Strait are territorial waters appertaining to Canada.

The Committee advise that the Governor General be moved to forward a copy of this minute and its enclosures to the Right Honourable the Secretary of State for the Colonies.

All [of] which is submitted for approval.

Wilfrid Laurier

App.^d 72
June.21.04
Minto

139.

Despatch from Governor General to Secretary of State for the Colonies

Dépêche du gouverneur général au secrétaire d'État aux Colonies

TNA, CO 42/896

Government House, Ottawa,
23rd June 1904.

Confidential

Sir,

With reference to your telegraphic message of the 18th March last asking for an expression of the views of Ministers in regard to the status of Hudson's Straits and Hudson's Bay, I have the honour to enclose herewith a copy of an approved Minute⁷³ of the Privy Council submitting a memorandum prepared by Mr. W.F. King, Chief Astronomer of the Dominion, regarding the title to the islands and waters north of the Canadian mainland.

You will observe that Ministers are of opinion that the waters of Hudson's Straits are territorial waters of Canada.

I have the honour to be,
Sir,
Your most obedient
humble servant,
Minto

The Right Honourable Alfred Lyttelton, P.C.,
etc., etc., etc.

Lackenbauer, eds, *Legal Appraisals of Canada's Arctic Sovereignty: Key Documents, 1905-56* (Calgary and Waterloo: Centre for Military and Strategic Studies Centre on Foreign Policy and Federalism, 2014), doc. 1.

⁷¹ These maps were produced under the supervision of James White. They showed a sector claim extending to the North Pole. No documents on the decision to include this claim were found. Ces cartes furent produites sous la supervision de James White. Elles montraient une revendication du secteur jusqu'au pôle Nord. Aucun document sur la décision d'inclure cette revendication n'a été trouvé.

⁷² Order-in-Council/ Décret du Conseil 1904-1162.

⁷³ Order-in-Council/ Décret du Conseil 1904-1162.

Minutes/ Notes

Mr. Johnson

At the present stage, I don't think we are called upon to criticise this memo. I would simply send copy desp., and the enclosure[s] in [the] original, to F.O.⁷⁴ & say that [it] is printed as it will no doubt be we should like copies of it in print before making any obsns. We might also ack[nowledge] & say we should be glad if we could have a copy of the memo of 23 Jan referred to on page 9 of this memo.

A. F[iddian] 13/7

So proceed

G.W. J[ohnson] 28 July

Mr. Johnson

A representative of F.O. brought over yesterday the attached print⁷⁵ of this desp. etc., & said they would take no action pending the receipt of our obsns.

H.E. D[ale] [1?]/7 [1906]

M^r Davis

Have you any obsns?

G.W. J[ohnson] [2?]/7 [1906]

M^r Cox

As you are aware, the question of the territorial status of Hudson's Bay is one involving a thorough search of a very extensive series of documents. Few incidents in British history have given rise to such a voluminous correspondence & such a mass of published matter as the grant of the Charter to the Hudson's Bay C^y in 1670. I have been engaged on the question for nearly two years but as I have had in that time to make myself acquainted with the various Newfoundland fishery questions I have not been able to give it any thing like the continuous attention necessary.

Up to the present, there has been no indication of urgency, but you will see from today's Times⁷⁶ that the Canadian Parliament have passed an Act⁷⁷ declaring the Bay to be territorial waters. I am compelled therefore, notwithstanding the incompleteness of my researches, to submit such obsns as have already occurred to me.

The views of the Canadian Gov^t are apparently those set out in M^r King's Report of the 7th May 1904.

They hold that "In accordance with the accepted principles of International law, the waters of the northern archipelago, and of Hudson Bay and Straits are to be considered territorial".

⁷⁴ Sent on 30 July 1904./ Envoyée le 30 juillet 1904.

⁷⁵ The 23 January memo was requested by the Colonial Office on 30 July and sent enclosed in. Une copie du memoire du 23 janvier a été demandée par le ministère des Colonies le 30 juillet et envoyée en pièce jointe dans Taschereau to Lyttelton, 15 September 1904, TNA, CO 42/897.

⁷⁶ Foreign Office confidential print 8449, June 1905.

⁷⁷ "The Dominion Parliament," *The Times* (London/ Londres), 5 July 1906, p. 5.

⁷⁸ Fisheries Amendment Act/ Acte modifiant l'Acte des pêcheries, 6 Edw. VII (SC 1906) c. 13.

Unfortunately for this view Bluntschli, a great authority (Law of Nations.⁷⁹ Bk. 4 §302-309) says "Hudson's Bay and the Gulf of Mexico evidently are a part of the open sea" this remark is in the nature of an obiter dictum, based on general geographical principles and takes no account of historical and political consns – Vattel⁸⁰ also refers to Hudson's Bay in the same strain: Book I Ch. 23 secs 259-291.

Amos⁸¹ also in discussing the 10-mile limitation of the headland theory said "The limiting provision here introduced was rendered necessary by the great width of some of the American bays, such as the Bay of Fundy and Hudson's Bay, in respect of which questions relating especially to rights of fishing had arisen" The weight of this remark is greatly lessened by the coupling together of Hudson's Bay & the Bay of Fundy – we still (in spite of somewhat adverse circumstances) claim the Bay of Fundy as British and so far as I am aware fishing questions have not arisen in connexion with Hudson's Bay.

The Act will of course have to be considered mainly in the light of the possible attitude of the U.S. towards it.

The Charter of 1670 undoubtedly treated the Bay and Straits as territorial waters and by Article X of the Treaty of Utrecht,⁸² France restored to England "to be possessed in full right for ever, the Bay and Streights of Hudson, together with all lands, seas, sea coasts etc. situated in the said Bay & Streight and which belong thereunto, no tracts of land or sea being excepted, which are at present possessed by the subjects of France".

There would therefore I presume be no difficulty in maintaining at the time of the revolt of the N. American Colonies (afterwards the U.S.A.) that the Bay and Straits formed part of the British Dominions.

Article 3 of the Treaty of Peace of 1783⁸³ ran:–

"It is agreed that the people of the U.S. shall continue to enjoy unmolested the right to take fish of every kind, on the Grand Bank, and on all the other Banks of Newfoundland; also in the Gulf of St. Lawrence, and at all other places in the sea, where the inhabitants of both countries used, at any time heretofore to fish; and, also, that the inhabitants of the U.S. shall have liberty to take fish of every kind, on such part of the Coast of Newfoundland as British fishermen shall use; but not to dry or cure the same on that island; and also on the coasts, bays and creeks, of all other of His Majesty's Dominions in America; and that the American fishermen shall have the liberty to dry and cure fish in any of the unsettled bays, harbours and creeks of Nova Scotia, Magdalen Islands and Labrador, so long as the same shall remain unsettled; but

⁷⁹ Johann Kaspar Bluntschli, *Le droit international codifié*, 5^e éd., rev. et augm., Paris, Guillaumin, 1895. The quotation regarding Hudson Bay is in sec. 309./ La citation sur la baie d'Hudson se trouve à l'art. 309. This book, originally published in German, was not translated into English, but the title *Law of Nations* was often used when referring to it./ Ce livre, publié initialement en allemand, n'a pas été traduit en anglais, mais le titre *Law of Nations* a été souvent utilisé pour s'y référer.

⁸⁰ Emer [Emmerich] de Vattel, *The Law of Nations, Or, Principles of the Law of Nature, Applied to the Conduct and Affairs of Nations and Sovereigns* (London: G.G. and J. Robinson, 1797).

⁸¹ *Commentaries on the Law of Nations by William Oke Manning: A New Edition, Revised Throughout, with Supplementary Matter, Bringing the Work Down to the Present Time, by Sheldon Amos, M.A.* (London: H. Sweet, 1875).

⁸² George Chalmers, *A Collection of Treaties between Great Britain and Other Powers*, vol. 1 (London: John Stockdale, 1790), pp. 340-390. The articles relating to Hudson Bay (X and XI) are on pp. 378-380./ Henri Vast, *Les grands traités du règne de Louis XIV*, tome 3, Paris, A. Picard, 1899, p. 68-111. Les articles sur la baie d'Hudson (X et XI) se trouvent aux p. 76-77.

⁸³ The Treaty of 1^{er} traité de Paris: see voir David Hunter Miller, ed., *Treaties and Other International Acts of the United States of America*, vol. 2, 1776-1818 (Washington, DC: Government Printing Office, 1931), doc. 11.

so soon as the same, or either of them shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlement, without a previous agreement for that purpose, with the inhabitants, proprietors or possessors of the ground."

Did this article throw open Hudson's Bay or any part of it to the U.S. fishery? On the theory that Hudson's Bay and Straits were part of the British Dominions, the language of the article can be construed as throwing open the whole of the Bay & Straits. But on the theory that any part of the Bay and Straits was open sea, it can hardly have thrown open that part – as in view of the Hudson's Bay C^o Charter it can hardly be said that the inhabitants of both countries had been used to fish there. The only evidence that I can find of Americans fishing in the Bay before the War of Independence is in a very rhetorical passage in Burke's speech on American affairs 1774 [1775] quoted on p. 1524 (ed. 2) of McCulloch's *Commercial Dictionary*: "Pass the other parts, and look at the manner in which the New England people carry on the whale fishery. While we follow them among the tumbling oceans of ice, and behold them penetrating into the deepest frozen recesses of Hudson's Bay and Davis's Straits, while we are looking for them beneath the Arctic Circle, we hear that they have pierced into the opposite region of polar cold, that they are at the antipodes and engaged under the frozen serpent of the South" – the value of this remark is problematical and it may be mentioned that the fisheries denied to the revolted Colonies by the Act of 1775⁸² were expressed as "on the Banks of Newfoundland, the Coast of Labrador, or within the River or Gulph of St. Lawrence or upon the Coast of Cape Breton or Nova Scotia or any other part of the Coast of North America". The fact that Hudson's Bay & Straits are not specifically mentioned in this description may be construed as implying that those waters were denied already by the Charter. In any case, assuming the Charter to have been still valid, it is difficult to hold that the Article applied to the Bay and Straits, on the theory of the Americans that it established merely a "partition of the common fishery".

The Convention of the 20th Oct. 1818⁸³ provided that the inhabitants of the U.S. should have for ever in common with British subjects the liberty to take fish in certain waters "and also on the coasts, bays and harbours and creeks from Mount Joly, on the Southern Coast of Labrador, to and through the Streights of Belle Isle, and thence northwardly indefinitely along the coast, without prejudice however to any of the exclusive rights of the Hudson's Bay C^o."

The explanation of this exception given by the U.S. negotiators to their gov^t will be found on page 167 of *State Papers Vol. 7 1819-1820*⁸⁴. It runs as follows:

"To the exception of the exclusive rights of the Hudson's Bay C^o, we did not object, as it was virtually implied in the Treaty of 1783, and we had never any more than the British subjects enjoyed any right there, the charter of the C^o having been granted in the year 1670. The exception applies only to the Coasts and their Harbors, and does not

⁸² J.R. McCulloch, *A Dictionary, Practical, Theoretical and Historical, of Commerce and Commercial Navigation*, 2nd edn (London: Longmans, Green, 1880). The quotation is not completely accurate. La citation n'est pas tout à fait exacte. See/ Voir "Speech on Conciliation with America, 22 March 1775," *The Writings and Speeches of Edmund Burke*, vol. 3, ed. W.M. Gifford with John A. Womersley (Oxford: Oxford University Press, 1996), pp. 102-169.

⁸³ New England Trade and Fisheries Act, 15 Geo. III c. 10 (United Kingdom: Royaume-Uni).

⁸⁴ "Convention of Commerce between Great Britain and the United States of America," *British and Foreign State Papers*, vol. 6 (London: James Ridgway, 1835), pp. 3-4.

⁸⁵ Albert Gallatin and Richard Rush to John Quincy Adams, 20 October 1818, *British and Foreign State Papers*, vol. 7 (London: James Ridgway, 1834), pp. 167-175; quotation on p. citation à la page 167.

affect the right of fishing in Hudson's Bay, beyond 3 miles from the shores, a right which could not exclusively belong to, or be granted by, any nation".

The exception of the Hudson's Bay Co's rights appears for the first time (in our records) in the Convention as signed, and I have not yet been able to discover the cir[cumstances] in which it was included. Possibly a reference to the Hudson's Bay Co's records may throw some light on the negotiations.

The letter of the U.S. negotiators however settles two points[:]

(1) It admits, as already suggested above, that the Co's rights were not affected by the Treaty of 1783.

(2) It admits that U.S. Citizens have no rights within 3 miles of the shores at any rate. Consequently the action of the U.S. whalers for many years past in whaling within those limits and in squatting on the shores is contrary to Treaty.

The rest of their explanation does not appear to be self-consistent. If Americans had in 1818 "never enjoyed any right there" (sc. in Hudson's Bay) then we have not admitted their right to fish in the Bay: since we have only admitted their right to fish "in the sea where the inhabitants of both countries used at any time heretofore to fish."

The letter however was made public in 1823 and the fact that it has been so long on record without question, tells materially against the Canadian view.

In the arbitration with Russia over the Behring Sea seizures, the U.S. Gov¹ (see p. 19 of their case)⁸⁸ quoted Vattel's remarks on Hudson's Bay and proceeded "But if the jurisdiction and right of property of the bordering nation cannot extend over Hudson Bay, which is surrounded on every side by British possessions, not only as regards the mainland, but as regards the chain of islands stretching across its wide mouth, how much more is this principle applicable to the Okhotsk Sea, across the wide mouth of which extends the chain of the Kurik Islands, belonging to the Empire of Japan?"

This shows that the U.S. Gov¹ adhere to the view expressed by the negotiators of the Convention of 1818, that Hudson's Bay is open sea, but it is also an admission that the contrary view could be urged with some plausibility.

U.S. whalers have been fishing in Hudson's Bay since 1861 at the latest⁸⁹. Between 1861 and 1874 (omitting the years 1869 & 1871) they took whales to an estimated value of \$1,171,023 and it was estimated that between 1874 & 1884 a further catch valued \$822,260 was made. As far back as 1884,⁹⁰ the proceedings of the U.S. whalers were

⁸⁸ *Foreign Relations of the United States 1902* (Washington, DC: Government Printing Office, 1903), Appendix I: Whaling and Sealing Claims Against Russia.

⁸⁹ The date 1861 was correct. In that year, the New Bedford ships *Syren Queen* and *Northern Light* were the first to carry on whaling in Roes Welcome Sound./ La date de 1861 est correcte. Cette année-là, les navires de New Bedford *Syren Queen* et *Northern Light* furent les premiers à chasser la baleine à Roes Welcome Sound.

See/ Voir "Whaling News," *Scientific American*, vol. 5, no. 17 (26 October 1861), p. 262.

⁹⁰ "Report and Evidence of the Select Committee on the Navigation of Hudson's Bay," Canada, *House of Commons Journals*, 5th Parliament, 2nd session, vol. 18 (1884), Appendix, Report no. 2; "Report of the Hudson's Bay Expedition, under the Command of Lieut. A.R. Gordon, R.N., 1884," *Seventeenth Annual Report of the Department of Marine and Fisheries, being for the Fiscal Year ended 30th June, 1884*, Sessional Papers, 1885, vol. 18-6, no. 9, pp. 201-203./ « Rapport et témoignages du comité spécial au sujet de la navigation de la Baie d'Hudson », Canada, *Journaux de la Chambre des communes*, 5^e législature, 2^e session, vol. 18 (1884), Appendice, Rapport n° 2; « Rapport sur l'expédition de la Baie d'Hudson, commandée par le lieutenant A.R. Gordon, M.R., 1884 », *Dix-septième rapport annuel du Ministère de la Marine et des Pêcheries, pour l'exercice terminé le 30 juin 1884*, Documents de la Session, 1885, vol. 18-6, n° 9, p. 201-203.

brought to the notice of the Can. Gov¹ but it is not until now that they have taken action. I gather from the evidence given before the Select Committee of the House of Commons (see Index under Fisheries) the C^o claimed still a monopoly of the whole fishery in the terms of the Charter, but disparaged its value. ⁹⁵ A Tract of the Liverpool Financial Reform Association is in the Library issued in 1857 [] entitled "The Hudson's Bay C^o v. Magna Charta & the British People", ⁹⁶ from which I quote the following extracts in support of this view:

p. 19 "It (the C^o) possesses the exclusive privilege of import and export in its own vessels, and will not permit any other ships than its own, to enter the Bay, either for trading purposes, or to fish in its waters, where whales & seals abound"

p. 23 "The Company has taken great pains to persuade the gov^t and people of this country that the Fisheries which it has neglected are worth nothing. The Americans know better & have turned a portion of them to very profitable account" (This refers to a U.S. whale fishery between the Behring Straits & the mouth of Mackenzie River – not to the fishery in the Bay or Straits).

It would seem that after 1857, the C^o grew less jealous of any encroachment on its monopoly and the U.S. whale fishery, if it began [only ''] in 1861, was carried on for 9 years during the existence of the Charter which was not surrendered until 1870. I have come across somewhere (but cannot trace it just at present) a report of a Hudson's Bay Co's ship master, in which he mentions having sighted a U.S. whaler (I think in the Bay and I fancy in 1868) but does not mention having questioned her right to do so.

It will be very awkward at this date to interfere with the U.S. fishery, but the task is made much easier by the fact that on the admission of their own negotiators in 1818, the U.S. have been acting in excess of their Treaty rights in fishing within 3 miles of the shores and in landing on those shores. They cannot object to this being now remedied and it is a small step further to raise the whole question. Indeed I imagine that without the right to land, the whale fishery will be almost impracticable.

The Canadian Gov¹ somewhat compromised their position by the Proclamation of 2 Oct 1895 which included in the district of Ungava "all islands within a distance of 3 miles from the shores of Hudson's Straits, Hudson Bay and James Bay". This language seems to put Hudson's Bay on the footing of open sea. The proclamation was cancelled by an O in C. of 18 Dec. 1897 which recommended legislation on a [scheme?] by which the boundaries of the districts abutting on the Bay & Straits w[er]e made to run through the middle of these waters. That legislation has not yet I understand been passed.

Of course the Canadian Parliament cannot legislate for waters outside the territorial limits of Canada. If therefore Hudson's Bay is not Canadian water, the act will be ultra vires. If the U.S. complain we could of course tell them that the competency of the Canadian Gov¹ to pass this legislation shd. first be tested by litigation.

C.T. D[avis] 5/7 [1906]

P.S. There is a reference in a letter dated 8 March 1818 printed in Adams, *Fisheries & Mississippi* ⁹⁷ (see p. 214) to the U.S. Labrador & Coast fisheries extending "even as far as Cumberland Island & the entrance of Hudson's Bay."

⁹⁵ United Kingdom, House of Commons Papers, Reports of Committees, 1857, 2nd session, vol. 35, 244-260, *Report from the Select Committee on the Hudson's Bay Company*, pp. 40, 255.

⁹⁶ *The Hudson's Bay Company Versus Magna Charta, and the British People: or, the Liverpool Financial Reform Association* (Liverpool: Published by the Association, 1857).

⁹⁷ John Quincy Adams, *The Diplomatic Letters, the Fisheries and the Mississippi: Documents Relating to Transactions at the Negotiation of Ghent* (Washington, DC: Davis and Force, 1822).

Lord Elgin

This is a question of great importance and of great difficulty. The Americans will certainly never admit the waters of Hudson's Bay to be territorial waters & as Canada is determined to press her claim the probability is a more or less heated controversy & I hope ultimately a fair arbitration. Canada has never forgotten the Alaska boundary & the degrading conduct of the US in the selection of their "impartial jurists of repute" & a situation which may become serious is likely to arise.⁹⁴

For 2 years Mr Davis has been devoting all his spare time to the study of a question which really ought to have been put into the hands of some counsel or solicitor capable of devoting his whole time to the work but the pressure of departmental work has greatly hindered him. He has however got to the main points of the question, but we shall have to give him assistance if the matter becomes pressing.

In the first instance I suggest that we should telegraph confidentially to Lord Grey calling attention to the Times telegram & say that the action of the Canadian govt will probably lead to protests by the US & that HMG will of course support the Canadian claim to the utmost of their power. To enable them to do this they would be glad to receive a report on the researches made on behalf of the Canadian Govt by their geographical, historical & legal experts together with copies of all documents on which they rely, that HMG have been investigating the question on their part but it is essential that they should be fully apprised of the Canadian view of their legal standpoint.

Concurrence of FO shd be obtained to d[ra]ft telegram.

H.B. C[ox] 6/7 [1906]

So proceed⁹⁵

E[lgin] 8.7 [1906]

140.

Memorandum from Comptroller, Royal North-West Mounted Police, to President of Privy Council

Note du contrôleur, Royale gendarmerie à cheval du Nord-Ouest, au président du Conseil privé

LAC/ BAC, RG 18, vol. 293, file/ dossier 1905-236

Ottawa, 6th July, 1904.

Memorandum [to Sir Wilfrid Laurier]:-

By memorandum dated 2nd January, 1904, the undersigned submitted suggestions for the continuation of the service now being performed by the S.S. "Neptune" and the Mounted Police in Hudson's Bay and the waters north thereof; and also for the extension of similar service to McKenzie Bay on the Pacific side of the Arctic.

[...]

With a view to giving effect to the policy of the Government in this respect, the S.S. "Gauss", renamed the "Arctic", has been purchased, and it is proposed that she be detailed for duty in McKenzie Bay.⁹⁶

⁹⁴ A marginal note by Montagu Ommanney is illegible because of tight binding. Une note en marge par Montagu Ommanney est illisible à cause de la reliure serrée.

⁹⁵ See/ Voir doc. 164.

⁹⁶ See/ Voir White to Perry, 18 June 1904, also in file/ aussi au dossier 1905-236.

The undersigned, while keenly anxious to have a patrol boat to act in connection with the Mounted Police at the mouth of the McKenzie River, respectfully suggests whether, under existing conditions, the supervision of Hudson's Bay and the waters north thereof is not more important and urgent than McKenzie Bay, and whether it would not be better to assign the "Arctic" to that service — she being built specially for Arctic exploration, and having capacity for carrying supplies for three years.

If this proposition should be adopted, the "Arctic" could relieve the "Neptune" in October next, giving that vessel time to return to Halifax to be paid off on the expiration of the period for which she was chartered.

For McKenzie Bay, the undersigned would recommend, as a temporary arrangement, the chartering of one of the whaling vessels now in those waters."

Respectfully submitted.

Fred^r White
Comptroller.

141.

Letter from Commander, Canadian Government Expedition, to Deputy Minister of Marine and Fisheries

Lettre du commandant, expédition du gouvernement du Canada, au sous-ministre de la Marine et des Pêcheries

LAC/ BAC, RG 12, vol. 48, file/ dossier 1654-34

Port Burwell 27th. July 1904

Col F. Gourdeau

Deputy Minister Deptmt. of Marine and Fisheries
Ottawa

Sir

[...]

Owing to the entire absence of any Official mail from the Department, which for some unknown reason has not reached me, I am aware of no changes in my original instructions, and in consequence will continue to carry them out, as far as possible, until others arrive, or the Neptune returns to Halifax.

Continuing the programme for this season's work, as soon as the coaling from the Erik is completed, and we have landed the coal and provisions for the N.W.M. Police, as I have been instructed to do by Major Moodie, we will proceed North.

An attempt to reach and land on Ellsmereland will be first made, where I will, without definite instructions from you, hoist the Canadian Flag and take possession of that land in the name of the King, for the Dominion of Canada, and leave a Record in a prominent Cairn. If possible I will next land on North Devon Island, where the same programme will be followed. We will then cross Lancaster Sound and attempt to find the whaling station

⁹⁷ White wanted to discontinue joint operations with the Department of Marine and Fisheries because the police were being given serious responsibilities while having little to say about the overall plan. White voulait cesser les opérations conjointes avec le ministère de la Marine et des Pêcheries parce que la police avait reçu des responsabilités importantes tout en ayant peu à dire sur le plan général. See: Voir White to Perry, 18 June.

⁹⁸ Marginal note:/ Note marginale :
I approve – W. L[aurier] July 7/04

established last year somewhere on Ponds Inlet, and at the same time board any of the whaling fleet met with in those waters, to assert mildly on our right to do so in those waters.

On our way south, stops will be made at Kikkerton and Blacklead in Cumberland Gulf, and at Cape Haven to allow the Sub-Collector of Customs⁹⁹ to perform his duties.

We will then return to Port Burwell, and if necessary wait there until the 1st. Sept. when we will cross the Strait and look for the mining station somewhere in the vicinity of Icy Cove. The South side of the Strait will then be crossed to, and if possible the coast between Douglas Harbour and Cape Wolstenholme will be surveyed, to complete the survey of that shore. The Neptune will remain at Erik Cove until the 10th. of September, when a passage will be made through Fisher Strait to Cape Fullerton, for the purpose of landing the two members of the Police and the coal and provisions now being landed at Port Burwell.

The later course of the ship will depend largely upon the weather and the amount of coal left, and no definite idea of her course can be given now, beyond saying that we will remain in the Strait as late as possible under the circumstance[s].

The above is the proposed itinerary for the season's work, but owing to the uncertainty of ice navigation, it may be found necessary to modify it considerably.

Major Moodie, acting upon information received from the Mounted Police Department, thinks it advisable that he should return on the Erik, and is leaving the ship for that purpose; leaving two of his men on board, one of whom is to be the Custom[s] Officer. I wish it to be distinctly understood that I am not in the least responsible for Major Moodie's return, either by advice or otherwise.

[...]

I still hold to my original idea, that this country can be best administered by a cruiser visiting the various places, where white men are established, and look up the vessels engaged in the whale fishery. If the Government are decided to erect stations under the control of the Mounted Police, they should be administered by that Department, and the vessel used only as a supply boat. I suppose that a number of stations are to be established, and if the requirements are as great, for each as I have been called upon to fill for the one recently established, no one boat will be able to carry sufficient supplies for them. In my opinion the work of the Customs, and the policing of the country should be kept separate from the duties of the Fishery Officer, who should be in charge of the patrol vessel. Two independent officers on the same ship will not work.

I will not bother you further with this matter at present but will keep my knowledge and ideas until they may be called for later, on my return.

[...]

I have the honour to be

Sir

Your obedient servant

A.P. Low

O.C., H.B. Expedition

⁹⁹ See/ Voir doc. 145.

142.

Memorandum from Comptroller, Royal North-West Mounted Police, to President of Privy Council

Note du contrôleur, Royale gendarmerie à cheval du Nord-Ouest, au président du Conseil privé

LAC/BAC, RG 18, vol. 293, file/ dossier 1905-236

Copy/ Copie

Ottawa, 27th July, 1904.

MEMO [TO SIR WILFRID LAURIER] RE INSTRUCTIONS TO BE ISSUED
TO HUDSON'S BAY PATROL.

[...]

The Government having decided to make this a permanent service, the undersigned suggests that if Mr. Low returns by the "Neptune", and no one is sent to take his place, the public interests will be best served by a clear understanding that the "Arctic" is a Police Boat under the command of the Captain so far as the navigation of the vessel is concerned, but in all other respects to be subject to the requirements of the Officer in command of the Mounted Police.

That Hudson's Bay, and the islands and waters north thereof, be constituted a Police District for the purposes of administration and control; and that should the necessity arise, the Captain of the vessel will record in writing his reasons, from dangers of navigation or the safety of the ship, for declining to comply with the request of the Police Officer.

That wherever it may be deemed necessary to land a party of Police for the purpose of establishing a Post, the Captain of the vessel will issue supplies from the ship's stores, and render every possible assistance in landing stores and providing shelter on shore; the stock lists of stores to be always accessible to the Police Officer.

That the patrol of the "Arctic", until otherwise ordered by the Government, be limited¹⁰⁰ to Hudson's Bay Hudson Strait Davis Strait Baffin's Bay Smith Sound Kennedy Channel - Lancaster Sound, and other Bays or Channels on the west coast of Hudson's Bay, Davis Strait, or Baffin's Bay.¹⁰¹

Respectfully submitted.

[Frederick White]
Comptroller.

The object of this memo is to obtain general instructions for guidance in the event of the Minister being absent from Ottawa during the month of August, when the "Arctic" will sail for the north.

¹⁰⁰ This clause evidently appeared to White to be a wise precaution, since Bernier had been stating in the press that the new expedition's aim was to reach the North Pole. Cette clause apparut évidemment à White comme une sage précaution puisque Bernier avait déclaré dans la presse que le but de la nouvelle expédition était d'atteindre le pôle Nord. For example, see: Par exemple, voir: « Bernier au Pôle Nord: Le 'Gauss' n'ira pas à la Baie d'Hudson ni au Labrador », *La Presse* (Montreal), 16 mai 1904, p. 1, 7. "Explorer Bernier Gets Ship Canada to Annex Isles, Maybe North Pole," *Boston Evening Transcript*, 14 June 1904, p. 14. In response, Minister Prefontaine had issued a denial to the press. En réponse, le ministre Prefontaine avait publié une réfutation dans la presse. See: Voir "Not Exploratory," *Toronto Star*, 11 July 1904, p. 1.

¹⁰¹ Note marginale:/ Marginal note:

Original Read & approved by Sir Wilfrid Laurier July 29/04. F. W[hite]

143.

Letter from Deputy Minister of Marine and Fisheries to Commander of Fisheries Protection Service

Lettre du sous-ministre de la Marine et des Pêcheries au commandant du Service de protection des pêcheries

LAC/ BAC, RG 42, vol. 105, file/ dossier 25447

Copy/ Copie

[Ottawa,] 29th July, 1904.

Sir,

I wish to confirm the instructions you received verbally from the Minister yesterday, as to the status of Captain Bernier on the northern expedition.

As you are aware, it has been decided by the Minister that the Captain of the "ARCTIC", will only act as sailing master, being entirely under the directions of the officer, or officers, who will be selected by the Minister to take charge of this expedition, and as arranged yesterday, you will make this matter clear to Captain Bernier.¹⁰²

I am, Sir,

Your obedient servant,

[F. Gourdeau]

Deputy Minister of Marine and Fisheries.

Commander O.G.V. Spain,

Commanding Canadian Marine Service,

At Chateau Frontenac, Quebec.

144.

Memorandum from Comptroller, Royal North-West Mounted Police, to President of Privy Council

Note du contrôleur, Royale gendarmerie à cheval du Nord-Ouest, au président du Conseil privé

LAC/ BAC, RG 18, vol. 293, file/ dossier 1905-236

Ottawa, 1st August, 1904.

[To Sir Wilfrid Laurier]

The undersigned begs to submit for the Minister's approval the following draft instructions for the patrol of Hudson's Bay and north thereof.

¹⁰² Marginal note:/ Note marginale :

Carried out in an interview with Captain Bernier on the 30th of July 1904 in Quebec. O.G.V. S[pain]

Compare this statement with the claim in Bernier's autobiography that until just before the *Arctic's* departure from Québec in September 1904, he expected to be in full command. Comparez cette déclaration avec la mention dans la biographie de Bernier selon laquelle jusqu'à la veille du départ de l'*Arctic* de Québec en septembre 1904, il s'attendait à en assumer le commandement intégral. See/ Voir *Master Mariner and Arctic Explorer: A Narrative of Sixty Years at Sea from the Logs and Yarns of Captain J.E. Bernier, F.R.G.S., F.R.E.S.* (Ottawa: Le Droit, 1939), p. 305.

In September Bernier threatened to resign, but then changed his mind. Documents related to this threat are also in file 25447. En septembre, Bernier menaça de démissionner, mais changea ensuite d'idée. Les documents associés à cette menace se trouvent aussi au dossier 25447.

The "Arctic", equipped for three years, will leave Quebec towards the end of August, to meet, relieve and take up the work of the "Neptune" now patrolling Hudson's Bay.

The object of the expedition is to explore and patrol Hudson's Bay, and the islands and waters north thereof, and to administer and enforce the laws of Canada therein.

In addition to the crew, the vessel will carry an officer and men of the N.W. Mounted Police, and representatives of other Departments of the Government.

The Captain will be charged with the command and navigation of the vessel, but in other respects the "Arctic" will be subject to the requirements of the officer in command of the Mounted Police.

The boarding of vessels which may be met, the establishing of Police Posts on the mainland, or the islands; and the introduction of the [same] system of Government control as prevails in the organized portions of Canada, will be assigned to the Mounted Police.

In the event of doubt or dispute arising calling for serious consideration and counsel, the senior officer of the Mounted Police – the Captain of the vessel, and a third, to be named by the Minister of the Interior, will constitute a Board to consult and decide as to the course to be pursued; the Police officer to be President of the Board.

The limited knowledge in possession of the Government, of these northern regions, does not permit the issuing of definite instructions as to where landings should be made, or Police Posts established; decision is left in the hands of the senior officer of Police – or the Board of three hereinbefore named.

It is desirable that some place easily accessible should be selected as a supply Depot. – Port Burwell, Lady O'Brien Harbour and Lady Job Harbour have been suggested.

It is not the wish of the Government that harsh or hurried enforcement of the laws should be made. The first duty of the expedition will be to impress upon the Captains of trading and whaling vessels, and the natives, that after reasonable notice and warning the laws will be enforced as in other parts of Canada.

The senior Police officer will have at his disposal a junior officer and 15 non-commissioned officers and constables.

Wherever it may be deemed necessary to board another vessel, or to land a party of Police for the purpose of establishing a Post, the Captain will render every possible assistance in handling the boats and providing shelter on shore – and will issue supplies from the ship's stores; the stock lists of stores to be always accessible to the Police officer.

Until otherwise ordered by the Government, this patrol service will be limited to Hudson's Bay – Hudson's Strait – Davis Strait – Baffin's Bay – Smith Sound – Kennedy Channel – Lancaster Sound – and other Bays and Channels on the west coast of Hudson's Bay – Davis Strait or Baffin's Bay.¹⁰³

Respectfully submitted.

Fred^d White
Comptroller.

¹⁰³ Marginal notes:/ Notes marginales :
I concur. R. Préfontaine
Approved – W. L[aurier]

145.

Report from Officer Commanding "M" Division, Hudson Bay, to Comptroller, Royal North-West Mounted Police

Rapport de l'officier commandant la Division « M », Baie d'Hudson, au contrôleur, Royale gendarmerie à cheval du Nord-Ouest

LAC/BAC, RG 18, vol. 281, file/ dossier 1904-716

Copy/ Copie

Ottawa, 3rd September, 1904.

To the Comptroller [Frederick White],

R.N.W.M. Police,
Ottawa.

Sir:

[...]

Northern Cruise:— It was not until the 14th April that I heard the route intended to be taken this summer (1904), viz: to proceed as far north as Ellesmere Land and North Devon, to take possession of those lands. This, Mr. Low informed me, was the principal reason of the expedition and that his orders were to take possession of those lands.¹⁰⁴

When I accepted command of the detachment, it was to go to Hudson Bay and remain there for about two years. I am therefore in doubt as to whether it was intended that I should go north of there. Had I been aware of the route last December, I would have asked for instructions but when I asked Mr. Low in December, 1903 what our route would be, getting no immediate answer I said, "Will it be Fullerton to Repulse Bay, thence to Port Burwell, from there to Ponds Inlet and south to Cumberland and so returning here", which was the route discussed last fall. The reply was "about that".

When at Cumberland Sound last fall, it was found that there was a Trading Station at Ponds Inlet and Mr. Low asked me if I wanted to go there this year (1904), and I understood that it was only on this account that we would go north of the Sound. I heard Mr. Low frequently say that he would like to go to North Devon, but never until April that his instructions were to go there.

[...]

Crime: [...] Serious crime is of comparatively rare occurrence, as far as I can learn, at the same time life is held of little value where customs are run counter to, or superstition says a person must die to divert disaster from the tribe. All superstitions have to be handled gently, and it is worse than useless to attempt to upset old customs in a day. It is a matter of time to change these, and can only be done by first obtaining the good-will and confidence of the natives.

[...]

Mercantile Laws in Greenland: The Danish system is a Lt. Governor for the various districts. All stores and trading stations are in the hands of the Government, and no person is allowed to trade with the natives unless in some special case [...]

This system, I am informed, is found to answer well and give satisfactory results in paying its way. My opinion is that such a system would answer in Canadian Territory.

¹⁰⁴ Low was ordered to visit these places, but not to take possession of them./ Low reçut ordre de visiter ces lieux, non d'en prendre possession. See/ Voir doc. 116.

If detachments were placed as suggested, each one would be a trading station, and the Police [would] be brought into direct communication and touch with the natives, who would soon learn to look upon them as the authority in the land. As long as whaling and trading stations are here, the natives will look upon those in charge there as the chiefs, as from them they get food during the winter. Of course the Hudson's Bay Co. would not come under this head, but they are not far north and the exception could easily be made [...]

Unless stringent laws are made and foreigners kept out of the country, there is very considerable risk of trouble, as with only small detachments here and there, they would be tempted to ignore the laws.

[...]

Rank of Officer Commanding. I would suggest that any Officer coming here to relieve me, should be given the title of Lt. Governor. Whalers and Traders of whatever nationality understand this title, but "Commissioner of Police" has not much meaning to many of them. The more style and dignity that can be put on, the less chance of authority being disputed, which could only end up in trouble if persisted in.

[...]

In conclusion I would say that my reasons for returning south from Port Burwell in the S.S. "Lark" instead of proceeding north with the "Neptune", were as follows:

After considering matters in every possible light, I concluded that in the face of information that Insp. Ritchie and 10 N.C. Officers and Constables were sailing [on the *Arctic*] about the middle of August to strength[en] my Command, it would not be safe for me to go north with the "Neptune".

On a cruise to Kennedy's Channel and Lancaster Sound &c., there are so many risks of delay from ice &c., that the "Arctic" might be at Port Burwell before the "Neptune" returned there. [...] There are points of the utmost consequence to be discussed and definite instructions obtained concerning them, and these could be decided much better in an interview than by letter.

I therefore sen[t] acting Cpl. Donaldson and Const. Jarvis with the "Neptune", and appointed the former sub-collector of Customs temporarily.

He has full instructions, with notices to leave at the different stations visited both regarding Police and Customs work. I also wrote to Commander Low requesting him to render Cpl. Donaldson every assistance in carrying out his instructions and have received a reply stating that he would do so. The promotion of acting Cpl. Donaldson is only temporary and to give him a little better standing on the northern cruise.

Even if the Arctic had sailed, I should have been able to intercept her in the Straits and return with her. In which case if she carried the necessary buildings, coal &c., I proposed erecting buildings at Wolstenholme for one Officer, one N.C.O. and four Constables, and one at Repulse Bay for one N.C.O. and two men. Also, if possible, one somewhere south about Chesterfield Inlet, or possibly Baker Lake. This last would have had to be left until next year, and men distributed between the two first mentioned Posts.

Since coming down these plans have been slightly changed, and next year a Post will be erected in Cumberland Sound. Should the strength of the Division be increased next year, and sufficient buildings sent up, further Posts will be erected.

[...]¹⁰⁵

I have the honour to be,
Sir,
Your obedient servant,

(J.D. Moodie), Supt.
Comdg. "M" Div. Hudson Bay

146.

**Draft Instructions from Comptroller, Royal North-West Mounted Police, to
Commander, Canadian Government Expedition**
**Projet de directives du contrôleur, Royale gendarmerie à cheval du Nord-Ouest, au
commandant, expédition du gouvernement du Canada**
LAC/BAC, RG 18, vol. 293, file 1905-236

Ottawa, 9th September, 1904.

Sir,

By letter dated 5th August, 1903, you were instructed respecting your duties in connection with the expedition to Hudson Bay, 1903, per S.S. "Neptune".

The Government having decided to make this a permanent service, the D.G.S. "Arctic" has been purchased, and equipped for three years, and you have been named as senior officer.

You will receive from the Department of Marine and Fisheries a Commission as Commander of the vessel, and instructions regarding the crew and the care and issue of provisions &c.

The Department of Marine and Fisheries will also issue a Commission to you as Fishery Officer. You already hold a Commission as Magistrate under the Dominion Police Act and authority to act for the Customs Department.

In addition to the five men now in Hudson Bay, you will take with you, by the "Arctic", Inspector E.A. Pelletier and ten N.C. Officers and Constables, to be distributed in such

¹⁰⁵ A heavily edited version of this report was published; see "Report of Superintendent J.D. Moodie on Service in Hudson Bay (Per SS. 'Neptune,' 1903-4)," *Report of the Royal North-West Mounted Police, 1904*, part IV, Sessional Papers, 1905, vol. 39-12, no. 28./ Une version fortement remaniée de ce rapport fut publiée; voir « Rapport du Surintendant J.D. Moodie, de service à la Baie-d'Hudson (à bord du vapeur *Neptune*, 1903-1904) », *Rapport sur la Royale Gendarmerie à cheval du Nord-Ouest, 1904*, 4^e partie, Documents de la Session, 1905, vol. 39-12, n° 28.

Many passages omitted in the Sessional Papers, including some not printed here, are critical of Low. The full report strongly indicates that Low was often less than straightforward in his dealings with Moodie. De nombreux passages omis dans les documents de la Session, incluant certains non imprimés ici, critiquent Low. Le rapport complet indique clairement que Low manquait souvent de franchise dans ses relations avec Moodie.

All of Moodie's reports contain information on the whalers and the Inuit, which is not reproduced here because it is not directly relevant to the issue of sovereignty. Tous les rapports de Moodie contiennent de l'information sur les baleiniers et les Inuits qui n'est pas reproduite ici, car elle n'a pas directement rapport avec l'enjeu de la souveraineté.

manner as you may deem best in the public interest. It is understood that their service in Hudson Bay will be for three years, if required.

Capt. J.E. Bernier will be Navigating Officer, whose duties will be defined by instructions to be issued by the Department of Marine and Fisheries.

As you are already aware, the object of this service is to explore and patrol Hudson Bay, and the islands and waters north thereof, and to administer and enforce the laws of Canada therein.

Until otherwise ordered by the Government, the route of the vessel will be limited to Hudson Bay, Hudson Strait, Davis Strait, Baffin's Bay, Smith Sound, Kennedy Channel, Lancaster Sound, and other Bays and Channels on the west coast of Hudson Bay, Davis Strait or Baffin's Bay.

The first duty of the expedition will be to impress upon the Captains of trading and whaling vessels, and the natives, that, after reasonable notice and warning, and laws will be enforced as in other parts of Canada.

With respect to the establishment of Police Posts. You have already erected huts at Cape Fullerton, as being the most convenient location for controlling the natives and supervising the whaling vessels in Hudson Bay.

Your recommendation that another Post be established at Cape Wolstenholme is approved, and you are also authorized to establish a third Post in Cumberland Sound, or such other point as may be found suitable – at all times consulting the navigating officer in matters affecting dangerous waters.

It is proposed to send a vessel next year with coal and building material to establish Supply Depots. You will be advised by the Dept. of Marine & Fisheries when this boat will sail; and where, by mutual arrangement, she will discharge her cargo.

The several matters to which you have called attention respecting the administration of the Criminal Law, as affecting cases of serious crime, the prosecution of foreigners, the protection of game &c., &c., will be duly submitted for the consideration of the Government, and I have no doubt that those subjects requiring legislation will be dealt with during the next session of Parliament.¹⁰⁷

I have the honour to be,

Sir,

Your obedient servant,

[Frederick White]

Comptroller.

Supt. J.D. Moodie,
R.N.W.M. Police, Ottawa.

¹⁰⁶ See/ Voir doc. 155.

¹⁰⁷ Marginal note: Note marginale :
[Approved.] W. L[aurier]

147.

Instructions from Deputy Minister of Marine and Fisheries to Commander, Canadian Government Expedition

Directives du sous-ministre de la Marine et des Pêcheries au commandant, expédition du gouvernement du Canada

LAC/BAC, RG 18, vol. 293, file/dossier 1905-236

Copy/ Copie

[Ottawa,] 12th September, 1904.

Sir,

I have to inform you that a Report¹⁰⁸ to Council was sent to-day from this Department, appointing you Commander of the D.G.S. "ARCTIC", and also a Fishery Officer for Canada, and recommending that commissions for these appointments be issued to you.

You already have received instructions¹⁰⁹ from the Comptroller of the R.N.W.M.P., with regard to your duties as Officer in Charge of the Expedition to those northern parts of Canada; but in addition to the above, this Department desires you to act as a Fishery Officer and also in all respects as Commander of the D.G.S. "ARCTIC", with the exception of taking charge of the navigation of the ship, and safety thereof, which is left entirely in the hands of the Sailing Master, Captain Bernier, but in all other respects, she will be subject to your orders.¹¹⁰

As you are aware, the object of the expedition is to explore and patrol Hudson's Bay, and the islands and waters north thereof, and to enforce and administer the laws of Canada therein.

It is quite impossible, at the present time, to issue to you definite instructions in regard to carrying out the Treaty of 1818,¹¹¹ in reference to foreign fishing vessels. It will, therefore, be necessary for you to use your own judgment in respect to this matter, and fuller and further instructions will be sent you by the relief ship next season. I desire, however, to distinctly point out to you that it is not the wish of the Government that hurried or harsh measures with reference to the enforcement of the laws should be made.

You already have your instructions regarding the establishment of posts on shore, and also as to the route which it is proposed the cruise of the vessel should be limited to.

It is the intention that a relief vessel should be sent next season with coal and building material, to establish further supply depots; and, after consultation, it has been considered that if possible, this relief ship will be at Erik Cove, Cape Wolstenholme, about the 25th July, 1905, with coal and about fifty tons of miscellaneous stuff.

The D.G.S. "ARCTIC" is thoroughly outfitted and supplied with provisions and clothing – both Arctic and otherwise – for a period of three years.¹¹²

¹⁰⁸ See/ Voir Order-in-Council/ décret du Conseil 1904-1755, LAC/ BAC, RG 2, vol. 879.

¹⁰⁹ Doc. 146.

¹¹⁰ O G V. Spain initialled this copy of the document beside this paragraph. O G V. Spain a paraphé cette copie du document à côté de ce paragraphe.

¹¹¹ "Convention of Commerce between Great Britain and the United States of America," *British and Foreign State Papers*, vol. 6 (London: James Ridgway, 1835), pp. 3-5.

¹¹² Moodie knew that in fact Bernier had, without authorization, provisioned the ship for a five- or six-year voyage to the North Pole./ Moodie savait qu'en fait Bernier avait, sans autorisation, approvisionné le navire pour un voyage de cinq ou six ans vers le pôle Nord. See/ Voir White to Laurier, 6 September 1904, LAC, MG 26 G, vol. 334.

The crew, in so far as the able seamen are concerned, have been selected in Newfoundland, and also the 2nd officer. These men are thoroughly trained and experienced in the necessary work which appertains to a vessel in these northern regions, and you will, no doubt, find them all that can be desired.

I enclose you a half-dozen copies, each, of the Fisheries Act,¹¹³ and the Act in reference to fishing by Foreign Fishing Vessels.¹¹⁴

All stores, provisions, liquor, etc., are to be issued by yourself, on a requisition from the sailing master of the ship, and you will be held entirely responsible that articles are issued in this way, and this way only.

In the event of another Government vessel being sent to this part of Canada, you will still be considered the senior officer unless, of course, the Government consider it necessary to supersede or recall you.

So far as the D.G.S. "ARCTIC" herself is concerned, the work that she is to do is considered as simply an extension of the Fisheries Protection Service of Canada, and the officers and men will be shipped under the Act regarding discipline on board Canadian Government Vessels.

You are authorized on meeting the "NEPTUNE", to request Mr. Low to transfer any articles, of any sort, on board that ship, which you think would be necessary or useful for the expedition under your command.

The D.G.S. "ARCTIC" is to sail, if possible, on or about the 15th of the present month, and in wishing you good luck for your long and arduous journey, I have pleasure in informing you that the Department has the fullest confidence in your tact and judgment in dealing with the many serious and important matters which, no doubt, will come within your jurisdiction.

I have the honour to be,

Sir,

Your obedient servant,

[François Gourdeau]

Deputy Minister of Marine and Fisheries.

Superintendent J.D. Moodie, R.N.W.M.P.,
Officer in charge of the D.G.S. "ARCTIC",
Quebec, P.Q.

¹¹³ For portions of the Fisheries Act pertaining to whaling, see: Pour les parties de l'Acte des pêcheries applicables à la chasse à la baleine, voir: RSC: SRC 1886 c. 95, 87, 58 Voir: (SC 1894) c. 87, 61 Voir: (SC 1898) c. 44; 3 Edw. VII (SC 1903) c. 23; and, et 4 Edw. VII (SC 1904) c. 13.

¹¹⁴ Act respecting Fishing by Foreign Vessels: Acte concernant la pêche par les navires étrangers, RSC: SRC 1886 c. 94.

148.

Instructions from Deputy Minister of Marine and Fisheries to Sailing Master, DGS
Arctic

Directives du sous-ministre de la Marine et des Pêcheries au maître de navigation,
DGS *Arctic*

LAC/ BAC, RG 18, vol. 293, file/ dossier 1905-236

Copy/ Copie

[Ottawa,] 12th September, 1904.

Sir,

I have to instruct you in reference to the D.G.S. "ARCTIC" as follows:—

As you already know, the object of this expedition is to patrol and explore Hudson's Bay and the islands and waters north thereof; and to administer and enforce the laws of Canada therein.

After very serious consideration, the Government has deemed it advisable that permanent stations should be established at different places on shore in those northern parts of the Dominion; and to carry this out in the best and most effective manner, the sole charge of the expedition has been placed under the command of Superintendent Moodie, of the R.N.W.M.P., an officer very experienced in these northern regions, both on water and on land.

Your duties are to be as follows:—

You will be held responsible for the navigation and the safety of the "ARCTIC" in every way, but in all other respects she is to be subject to the commands of the Officer in Charge of the Expedition.

Full instructions have been issued to Superintendent Moodie in regard to all matters appertaining to his position, and he will be held responsible and keep an account of all stores, provisions, liquor, etc., issued from the ship.

Until otherwise ordered by the Government, Major Moodie's instructions are that the route of the "ARCTIC" will be limited to Hudson's Bay, Hudson's Strait, Davis Strait, Baffin's Bay, Smith Sound, Kennedy Channel, Lancaster Sound, and other bays and channels on the west coast of Hudson's Bay, Davis Strait, or Baffin's Bay.

The ship is to sail on or about the 15th of the present month. The crew of eight able seamen, secured in Newfoundland, have no doubt joined you.

In wishing you good luck, the Department has full confidence in your zeal and ability to carry out your difficult and onerous duties as sailing master of the D.G.S. "ARCTIC" to the entire satisfaction of the Government; and that you will assist Superintendent Moodie in every way which you are capable of doing taking into consideration your large experience as a seaman.

I have the honour to be,

Sir,

Your obedient servant,

[François Gourdeau]

Deputy Minister of Marine and Fisheries.

Captain J.E. Bernier,
Sailing Master, D.G.S. "ARCTIC",
Quebec, P.Q.

149.

Letter from Deputy Minister of Marine and Fisheries to Comptroller, Royal North-West Mounted Police

Lettre du sous-ministre de la Marine et des Pêcheries au contrôleur, Royale gendarmerie à cheval du Nord-Ouest

LAC/BAC, RG 18, vol. 293, file/dossier 1905-236

Ottawa, 23rd January, 1905.

My dear White,

I am returning you the memorandum in connection with the administration of the waters and territories of Hudson Bay, and north thereof, and might I suggest that you now let the Right Honourable the Prime Minister see this and know exactly what conclusion we have arrived at. You will notice that my Minister has approved of the whole matter, and possibly Sir Wilfrid will now give his sanction to the memorandum.

In reference to the estimates, I will have a separate memorandum² prepared, and send you a copy as soon as it is prepared.

Yours sincerely,

F. Gourdeau

Lieut. Colonel Fred. White, C.M.G.,

Comptroller, Royal North West Mounted Police,

Ottawa.

Enclosure: Joint Memorandum from Deputy Minister of Marine and Fisheries and Comptroller, Royal North-West Mounted Police, to Minister of Marine and Fisheries and President of Privy Council

Pièce jointe : Note conjointe du sous-ministre de la Marine et des Pêcheries et du contrôleur, Royale gendarmerie à cheval du Nord-Ouest, au ministre de la Marine et des Pêcheries et au président du Conseil privé

Copy/ Copie

Ottawa, January 20th, 1905

Memo for the Minister:-

RESPECTING THE ADMINISTRATION OF THE WATERS AND TERRITORIES OF HUDSON BAY, AND NORTH THEREOF.

A meeting was held this morning in Commander Spain's office - at which the Deputy Minister of Marine & Fisheries, the Comptroller of the N.W. Mounted Police, Mr. A.P. Low, and Commander Spain were present - for the purpose of discussing and framing suggestions for the avoidance of friction and misunderstanding caused by divided responsibility.

The Comptroller of the N.W.M. Police expressed his willingness and anxiety to concur in any arrangement that would limit the jurisdiction of the Mounted Police to land service, subject to the approval of his Minister, the Right Hon. Sir Wilfrid Laurier.

After discussion and careful consideration, the undersigned beg to submit the following recommendations:-

1. That the service under the control of the North West Mounted Police be distinctly separated from that under the Department of Marine & Fisheries.

2. That after the completion of the expedition on which the "Arctic" is now employed, the jurisdiction of the North West Mounted Police be limited to the main land of the west shore of Hudson Bay, from York Factory in the south to Cape Fullerton in the north.

3. That a small light-draught steamer for Police patrol purposes be provided by the Department of Marine & Fisheries, and placed at the disposal of the Officer Commanding the Police. The crew, fuel and equipment of the boat to be supplied by the Department of Marine & Fisheries.

4. That the Department of Marine & Fisheries undertake, so far as may be possible, to transport, from Halifax or Quebec to Hudson Bay, supplies required by the Mounted Police in Hudson Bay, which cannot be conveniently forwarded overland via the North West Territories.

5. That for the purposes of enforcing the laws of Canada and for exploration, the waters of Hudson Bay, Hudson Straits, and the islands and waters north thereof, be under the control of the Hon. the Minister of Marine & Fisheries.

6. That an officer of the Department of Marine & Fisheries be placed in command of this service, and be given power to collect revenue and maintain law and order at the northern whaling stations, and on board whaling vessels within Hudson Bay, Hudson Straits, and the waters north thereof.

7. That depots of coal be established at Cape Chidley and other convenient places.¹¹⁵

Respectfully submitted.

F. Gourdeau
Dy M. M & F.
Fred^d White
Compt^d N.W.M.P.

150.

Letter from Officer Commanding "M" Division, Hudson Bay, to Comptroller, Royal North-West Mounted Police

Lettre de l'officier commandant la Division « M », Baie d'Hudson, au contrôleur, Royale gendarmerie à cheval du Nord-Ouest

LAC/ BAC, RG 18, vol. 319, file/ dossier 1905-417

Fullerton, 25th. January 1905.

The Comptroller [Frederick White],
R.N.W.M. Police,
Ottawa.

Sir,

[...]

Detachments. I would again bring my former recommendations regarding these to your notice. To patrol this country and have any sort of knowledge of what is happening during

¹¹⁵ Marginal notes/ Notes marginales :

as in original [Author unknown/ Auteur inconnu]

I approve. R. Prefontaine M. of M. & F.

I approve – Wilfrid Laurier

the winter, it is absolutely necessary to have posts at different places where men and dogs can rest and obtain supplies. [...]

Proposed route this summer. If the "Arctic" gets out of Fullerton by the 1st July or soon after, I intend trying to get up to Repulse Bay and thence to Wolstenholme. I want to get to the latter, if possible, not later than the 20th July, and cruise along shore east inspecting all harbors within 30 miles or so of Wolstenholme to determine if a more favorable site can be got for Head Quarters. After getting coal &c. from supply steamer proceed to Lancaster Sound, Ponds Inlet, & Cumberland Sound, landing detachment with supplies at most likely [.] Kickaston. Then to Burwell, thence across to Big Island, thence to Wolstenholme to take on board supplies for Fullerton, if any. Weather and time permitting, I propose going to Churchill before going to Fullerton. If this is feasible a report of northern patrol will go down by the [Hudson's Bay] Coys. winter packet. From Fullerton the steamer will return to H[ea]d Q[ua]rt[er]s wherever built. This is of course subject to any orders which may be sent up in the summer — only a very open fall will allow of this round with our speed.¹¹⁶

I have the honor to be

Sir,

Your obedient Servant,

J.D. Moodie Supt

151.

Letter from Officer Commanding "M" Division, Hudson Bay, to Comptroller, Royal North-West Mounted Police

Lettre de l'officier commandant la Division « M », Baie d'Hudson, au contrôleur, Royale gendarmerie à cheval du Nord-Ouest

LAC/BAC, RG 18, vol. 319, file/dossier 1905-417

Fullerton, 25th. January 1905.

The Comptroller [Frederick White],

R.N.W.M. Police.

Ottawa.

Sir,

RE STEAMER WINTERING IN THESE WATERS.

I have the honor to lay the following facts regarding this before you.

A steamer wintering here is practically laid up for 9 months in the year and can do nothing. A large crew and staff are required for her, entailing a heavy expenditure without any corresponding results. By the wintering of the vessel in the north the Commanding Officer is prevented from making any winter trips, your orders to me being emphatic on this point. The high rate of wages paid to all comprising the ships complement, tends to make the N.C.O's. and men of our Force dissatisfied when comparing it with their pay. A supply steamer such as the "Neptune" or "Irik" could do all the work of the northern patrol

¹¹⁶ When the *Gemini* was purchased from the German government, its speed was said to be seven knots. However, in fact the ship could do no more than four knots. Lorsque le *Gemini* fut acheté du gouvernement allemand, sa vitesse était déclarée comme étant de sept nœuds. En réalité cependant, le navire ne pouvait donner plus de quatre nœuds.

after she had delivered her supplies at Head quarters. On her return from the north she could visit the other posts delivering the supplies at these also [...]

I have the honor to be,
Sir,
Your obedient servant,

J.D. Moodie Supt Comdg. "M" Div

152.

Letter from Minister of Justice to Prime Minister
Lettre du ministre de la Justice au premier ministre
LAC/ BAC, MG 26 G, vol. 359

Ottawa, March 11th, 1905

Dear Sir Wilfrid,

I send you herewith letter and enclosures from Dr. Ami of the Geological Survey with reference to the ownership and rights to the Arctic Archipelago.

Yours sincerely,
C. Fitzpatrick

The Rt. Honourable Sir Wilfrid Laurier
Prime Minister

Enclosure 1: Letter from Assistant Paleontologist, Geological Survey, to Minister of Justice
Pièce jointe 1 : Lettre du paléontologue adjoint, Commission géologique, au ministre de la Justice

Ottawa, March 1, 1905.

Hon. Charles Fitzpatrick, K.C., M.P.,
Minister of Justice,
Ottawa, Ont.

Dear Sir,—

Enclosed herewith please find memoranda† and draft of recommendation to Council concerning the ownership and rights to the Arctic Archipelago.

The interpretation of the expression "all British Territories and Possessions in North America, not already included within the Dominion of Canada, and all islands adjacent to such Territories or Possessions," by the Most Honourable, the Privy Council of Great Britain at the time that the transfer was made of said Possessions from Britain to Canada in 1880, appears to be wanting.

In order to cover every possible doubt that may exist in the minds of outsiders as to what was included in the above quotation from the Imperial Order in Council of 1880, a precise definition giving the geographical limits or boundaries such as were given in the case of the sub-division of the North West Territories into the four districts, Ungava, Franklin, Mackenzie and Yukon, seems to be necessary at this particular juncture when the press of the United States on several occasions have openly claimed rights of discovery, possession, etc.

Even in the far North of Franklin District, Canada possesses vast mineral resources which sooner or later may be developed. The navigation of Hudson Straits for four months of the year at least, (and) the fact that Hudson Bay does not freeze over in winter time, coupled with the development of our great North West and the opening of Churchill as a harbour and port where the grain from the West can easily be stored and in due time shipped to any quarter of the globe, are all reasons why it seems important to remove all doubt existing as to the rights of Canada to the whole of the territory, lands and islands of the North, exclusive of Alaska and Greenland.

We are thoroughly satisfied that the interpretation of the Canadian Government, according to the Order in Council of 1895, was right, and there remains merely the obtaining of the concurrence of the British Government regarding the same.

Trusting that the enclosed memoranda will meet your approval, believe me to be,

Yours very sincerely,

H.M. Ami

P.S. As regards Hudson Bay itself the question of declaring it a closed sea, appears, in my humble judgement, to be obvious from the fact that it is by nature, (*de natura*), closed for more than half the year, that is the greater portion of the time. H.M.A.

Enclosure 2: Draft Memorandum to Privy Council
Pièce jointe 2 : Projet de note au Conseil privé

To His Excellency, The Governor General in Council.

The undersigned has the honour to report that it seems advisable, in view of certain doubts which appear to have arisen and been expressed in a foreign press regarding the ownership of those portions of British North America which are held to appertain to the Dominion of Canada since the transfer made through the MOST HONOURABLE PRIVY COUNCIL in 1880, in the despatch given at the Court at Osborne House, Isle of Wight, during the late Queen Victoria's reign.

WHEREAS the IMPERIAL ORDER AND PROCLAMATION of 1880, transferred to Canada to become and be annexed to, and form part of the said Dominion of Canada, and become and be subject to the laws for the time being in force in the said Dominion, in so far as such laws may be applicable thereto, "all British Territories and Possessions in North America, not already included within the Dominion of Canada, and all islands adjacent to any of such Territories or Possessions," with the exception of the colony of Newfoundland and its dependencies.

It appears to be important that the expression "all British Territories and Possessions in North America, not already included within the Dominion of Canada, and all islands adjacent to such Territories or Possessions," should be defined more precisely and definitely as understood by Her late Majesty's MOST HONOURABLE PRIVY COUNCIL in 1880, at the time when the transfer was made.

What the boundaries and exact limits of British North America, especially in the Arctic Archipelago[,] were understood to be and include at the time of the transfer, and what the Imperial Government of Her Majesty understood, and how far these limits and boundaries agree with the boundaries and limits (and hence interpretation [by] the Canadian Government of the Imperial Order in Council of 1880) of an Order in Council of the 2nd of October, 18[9]5, when the whole of the unorganized and unnamed districts of the North West Territories were divided into four provisional districts to be named, Ungava, Franklin, Mackenzie and Yukon.

According to this last Order in Council, the precise limits and boundaries of the district of Franklin were given in the following language:

"The district of Franklin of indefinite extent, to be bounded as follows: Beginning at Cape Best, at the entrance to Hudson's Strait from the Atlantic, thence westerly through the said Strait, Fox Channel, Gulf of Boothia, Franklin Strait, Ross Strait, Simpson Strait, Victoria Strait, Dease Strait, Coronation Gulf, and Dolphin and Union Straits, to a point in the Arctic Sea, in longitude about 125° 30' West, and latitude about 71° North, thence northerly including Baring Land, Prince Patrick Island, and the Polynea Islands; thence North-Easterly to the farthest of Commander Markham's and Lieutenant Parr's sledge journey in 1876, in longitude about [8]3½° North; thence southerly through Robeson Channel, Kennedy Channel, Smith Sound, Baffin's Bay, and Davis's Strait, to the place of beginning."

In order to justify the claims of Canada to the whole of the British possessions in North America north of the United States Boundary Line, (exclusive of Greenland and Newfoundland and its dependencies on the east, and Alaska, as recently delimited, on the west) it appears desirable to obtain from His Majesty's MOST HONOURABLE PRIVY COUNCIL, their approval and concurrence in the action of Canada as evinced in the limits and boundaries of the whole of the unorganized and unnamed districts now forming part of the Dominion of Canada.

Respectfully submitted.

153.

Letter from former Commander, Canadian Government Expedition, to Under-Secretary of State

Lettre de l'ancien commandant, expédition du gouvernement du Canada, au sous-secrétaire d'État

LAC/ BAC, MG 30 E-86, vol. 16, file/ dossier 59

Copy/ Copie

Ottawa 6th April, 1905.

Joseph Pope, Esq.,
Under Secretary of State,
Ottawa.

Sir,

I beg to send you herewith the Proclamations⁺ issued by myself, on the recent cruise of the Dominion ss. "Neptune" to Hudson Bay and Northward.

These Proclamations were issued and read at convenient places on the great islands of Ellesmere, North Devon and North Somerset. At the same time the British Flag, bearing the Canadian Arms, was hoisted, and formal possession taken of these great islands and the smaller ones surrounding them in the Name of His Most Gracious Majesty, King Edward VII., for the Dominion of Canada.

The Sovereignty of the Dominion was asserted in Hudson Bay, and at Ponds Inlet, Cumberland Gulf and Cape Haven, all on the eastern side of Baffin Island, by the collection of Customs, and in consequence, no formal Proclamation was issued on that Island.

I have the honour to be,

Sir,

Your obedient servant,

[A.P. Low]

154.

Letter from Under-Secretary of State to former Commander, Canadian Government Expedition

Lettre du sous-secrétaire d'État à l'ancien commandant, expédition du gouvernement du Canada

LAC/ BAC, MG 30 E-86, vol. 16, file/ dossier 59

Copy/ Copie

Ottawa, 13th April, 1905.

Sir,

I duly received and laid before the Secretary of State [R.W. Scott] your letter of the 6th instant, enclosing original copies of Proclamations issued by you as officer in charge of the recent Dominion expedition to Hudson's Bay and northward on the occasion of your taking formal possession in the name of his Majesty King Edward VII of the following territories:

1. The Island of North Somerset and all the smaller islands adjacent thereto,
2. The Island of Ellesmereland and all the smaller islands adjacent thereto,
3. The Island of North Devon and all the smaller islands adjacent thereto

In acknowledging the receipt of these Proclamations, I am to observe that all the territories, islands, inland seas, straits and waters lying north and west of Robeson Channel, Kennedy Channel, Smith Sound, Baffin's Bay and Davis Strait, as far as the 141st meridian of west longitude[,] form part of the possessions of his Britannic Majesty, and were, by an order of the Queen in Council, dated 31st July 1880, included in the Dominion of Canada.

I have the honour to be,

Sir,

Your obedient servant,

[Joseph Pope]

Under-Secretary of State.

A.P. Low, Esq.,

Department of the Geological Survey,
Ottawa.

155.

Joint Memorandum from Comptroller, Royal North-West Mounted Police, and Deputy Minister of Marine and Fisheries, to President of Privy Council and Minister of Marine and Fisheries

Note conjointe du contrôleur, Royale gendarmerie à cheval du Nord-Ouest, et du sous-ministre de la Marine et des Pêcheries, au président du Conseil privé et au ministre de la Marine et des Pêcheries

LAC/BAC, RG 18, vol. 293, file/ dossier 1905-236

Copy/ Copie

Ottawa, 19th July, 1905.

MEMORANDUM

[TO SIR WILFRID LAURIER AND RAYMOND PRÉFONTAINE]

The Government having decided that the time had arrived when some system of supervision should be established over the extreme northern part of the Dominion, the S.S. "Neptune" was despatched from Halifax, in August 1903, for service in Hudson Bay and the waters adjacent thereto.

In addition to the crew, the vessel carried Mr. A.P. Low, as senior officer of the expedition; Supt. J.D. Moodie and 5 N.C. Officers & Constables of the N.W.M. Police; and several officials of the technical branches of the public service.

The "Neptune" wintered in Hudson Bay and remained there until the 18th July, 1904, when she steamed eastwards through Hudson Straits, and north as far as time and conditions permitted. She returned south, meeting the "Arctic" at Port Burwell on the 1st October - then returned to Halifax, where she arrived on the 11th October, 1904.

During the winter of 1903-4 the S.S. "Arctic" (the "Gauss" of Antarctic fame) was purchased by the Canadian Government. Owing to delays from various causes, she did not leave Quebec until the 17th September, 1904, and had barely time to get into winter quarters at Fullerton, Hudson Bay, before being frozen in. She was provisioned and equipped for three years, with the exception of fuel, and it was arranged that a boat, with coal, would meet her in the vicinity of Wolstenholme, at the western end of Hudson Straits, about the 25th July, 1905. She was then to proceed to Cumberland Sound, Lancaster Sound, Smith Sound, and northward thereof.

In January, 1905, in order to avoid confusion of control, an understanding was reached between the Dept. of Marine and Fisheries and the Mounted Police to the effect that, with the exception of the west shore of Hudson Bay, which was to be supervised by the Mounted Police, the Dept. of Marine and Fisheries would in future have complete charge of this service; and that an Officer of that Department would go up by the coal supply boat to receive the transfer of the Command from Supt. Moodie, who with the Police (2 officers and 11 men) w[as] to be put ashore on the west coast of Hudson Bay, and establish connections by land with Fort Churchill and Lake Winnipeg.¹¹⁷

¹¹⁷ This document was written the day before the North-West Territories Amendment Act, 4-5 Edw. VII (SC 1905) c. 27, received royal assent. The provinces of Alberta and Saskatchewan had recently been created, and the new act placed the remaining unorganized territory under a Commissioner. Order-in-Council 1905-1438, approved on 24 July 1905, re-annexed the District of Keewatin to the Territories. White was subsequently appointed as the first Commissioner.

Minister Préfontaine died in December 1905, and his successor, Louis-Philippe Brodeur, moved forward with an amendment to the Fisheries Act, requiring foreign whalers in Hudson Bay and the

The Department of Marine, through unforeseen difficulties, was prevented from giving timely effect to this arrangement, and it will now be impossible for the supply boat to connect with the "Arctic" in time to enable that vessel to make an extended cruise northward this season.

Under existing conditions, the following suggestions are submitted for the consideration of the Government:

1. The supply boat, whenever she can leave Halifax, to go direct to wherever she may meet the "Arctic".
2. To distribute her cargo of coal between the "Arctic," Port Burwell (Cape Chidley), Wolstenholme and Fullerton — or such other points as the information gained by Supt. Moodie and Capt. Bernier may dictate as being the most suitable place for coal depots, the "Neptune" then to return to Halifax.
3. The "Arctic", after meeting the "Neptune", to proceed north, if time and ice conditions permit, to Smith Sound and Kennedy Channel, calling en route at Cumberland Sound, Lancaster Sound and other points.
4. After performing this service, the "Arctic" to return to Hudson Bay, landing supplies at such places as may be deemed desirable between Fullerton in the north, and Churchill in the south — the object of these outposts being to establish a line of patrols on the west shore of Hudson Bay which can be reached via Lake Winnipeg and Fort Churchill.
5. Supt. Moodie to be instructed to leave, as his discretion may dictate, not less than three men at any of these places; also a detachment at Churchill, with whom connection will be made from the northern end of Lake Winnipeg.
6. The "Arctic" then to remain in Hudson Bay as long as possible, and obtain information respecting the navigation of the Straits during the Autumn months, then to return to Halifax.¹¹⁸

archipelago to take out Canadian licences. Brodeur's focus was thus on exercising jurisdiction over the waters rather than on the islands.

Ce document fut rédigé la veille de la sanction royale de l'Acte modifiant de l'Acte des territoires du Nord-Ouest, 4-5 Edw. VII (SC. 1905) c. 27. Les provinces de l'Alberta, et de la Saskatchewan avaient récemment été créées, et le nouvel acte plaçait le territoire inorganisé restant sous le contrôle d'un commissaire. Le décret du Conseil 1905-1438, approuvé le 24 janvier 1905, annulait de nommer le district de Keewatin aux Territoires. White fut par la suite nommé à titre de commissaire.

Le ministre Prefontaine décéda en décembre 1905 et son successeur, Louis-Philippe Brodeur, poursuivit avec la modification de l'Acte des pêcheries afin d'exiger que les bateaux étrangers dans la baie d'Hudson et dans l'archipel obtiennent des permis canadiens. L'idée de Brodeur était donc d'exercer une autorité sur les eaux plutôt que sur les îles.

¹¹⁸ While waiting for the relief ship at Port Burwell, Moodie learned from Wilfred Grenfell that the *Neptune* had left St. John's on 11 July to take on supplies at Halifax. Bernier insisted on returning south because of trouble with the *Arctic*'s windlass. At Chateau Bay, where there was a telegraph station, the *Arctic* and *Neptune* finally met on 16 September. It was then too late for even a short cruise in the archipelago. Moodie received orders from Ottawa to return to Hudson Bay at the *Neptune*, while the *Arctic* went to Quebec for alterations and repairs. Moodie established the Churchill Post and left additional men at Fullerton. See "Report of Superintendent J.D. Moodie on Service in Hudson Bay (Per SS. "Arctic," 1904-5)," *Report of the Royal North-West Mounted Police, 1905, Part IV, Sessional Papers, 1906*, vol. 40-13, no. 28. The Wolstenholme post was not established. In 1909 a police post was established at Port Burwell to act as a customs entry point for ships going through Hudson Strait.

En attendant le navire de secours à Port Burwell, Moodie apprit de Wilfred Grenfell que le *Neptune* avait quitté St. John's le 11 juillet pour se ravitailler à Halifax. Bernier insista pour revenir au sud à cause de problème avec le treuil de l'*Arctic*. À la baie Chateau, où il y avait un poste télégraphique, l'*Arctic* et le *Neptune* se rencontrèrent finalement le 16 septembre. Il était alors trop tard même pour une courte croisière dans l'archipel. Moodie reçut des ordres d'Ottawa de retourner à la baie d'Hudson à bord du *Neptune* pendant que l'*Arctic* se rendait à Québec pour subir des modifications et

There is no doubt regarding the seaworthiness of the "Arctic", and her suitability for service in the northern waters of Canada provided she had sufficient power, but the engines now in her, from all accounts, cannot develop a speed of more than four or five miles per hour [knots] and there were occasions on her trip north last Autumn when she could scarcely hold her own against the tide currents. No good results would be obtained by allowing her to pass another winter in Arctic ice in her present condition; the undersigned therefore recommend that more powerful engines be installed next winter, so that she may be ready to start north not later than the 15th June, 1906.

It is all important to bear in mind that late departure, even a month, implies the loss of a season's work.

[Frederick White]
Comptroller N.W.M. Police.

Approved
[Wilfrid Laurier]

[François Gourdeau]
Deputy Minister of Marine and Fisheries

Minister of Marine & Fisheries
I concur.
[R. Préfontaine]

156.

Letter from Minister of Justice to Prime Minister
Lettre du ministre de la Justice au premier ministre
LAC/ BAC, MG 26 G, vol. 375

Ottawa, July 25th, 1905

Dear Sir Wilfrid,

I beg to send you herewith copies of communications¹¹⁹ from Mr. James White, Geographer, and Dr. Henry Ami of the Geological Survey. In both these communications the question is raised of the specific meaning to be given to the provision of the Imperial Order in Council of July 31st, 1880, by which "all British Territories and possessions in North America, not already included within the Dominion of Canada and all Islands adjacent to any of such Territories or Possessions, shall (with the exception of the colony of Newfoundland and its Dependencies) become and be annexed to and form part of the said Dominion of Canada ..."

réparations. Moodie établit le poste de Churchill et laissa des hommes supplémentaires à Fullerton. Voir « Rapport du Surintendant J.D. Moodie, de service à la Baie-d'Hudson (à bord du str "Arctic", 1904-5) », *Rapport sur la Royale Gendarmerie du Nord-Ouest, 1905*, 4^e partie, Documents de la Session, 1906, vol. 40-13, n° 28. Le poste de Wolstenholme ne fut pas établi. En 1920, un poste de police fut créé à Port Burwell afin de servir de port d'entrée douanier pour les navires passant par le détroit d'Hudson.

¹¹⁹ Not found./ Non retrouvées.

Mr. White suggests that Parliament should undertake to precisely define certain limits within which the description of the Imperial Order-in-Council may be said to apply, although in paragraph (2) of his memorandum he points out that the Government of Norway acquired in 1898-1902, rights by discovery of "some hitherto unknown islands" within the boundaries he proposes.

There certainly appears to be some doubt as to the exact areas which may be described as "islands adjacent to any of such (British) Territories or Possessions," but it appears somewhat doubtful whether or not in the state of present day knowledge of those far northern regions, any good purpose will be served or any satisfactory results achieved by an effort to accurately define the precise meaning of the language of the Order-in-Council to which reference has been made. I submit that no statement of the Parliament of Canada could have the slightest effect upon the actual fact as to whether or not any particular island in the north is an island adjacent to a British Territory or Possession. Any island complying with the conditions laid down in the Order-in-Council is now, and has been since 1880, incorporated within the Dominion; and it only requires a careful examination of the records of voyages of discovery, whether formally commissioned as such or otherwise, to establish the facts in any particular instance.

As the question has been raised, however, and especially in view of expeditions being outfitted to penetrate the northern regions, I suggest that it would be advisable to authorize the Commissioner of the North West Territories, to be appointed under the Act recently passed by Parliament, to have such inquiry as is possible made into this whole question with a view to ascertaining what, if anything, should be done in the premises.

Should this suggestion meet with your approval, the question raised by Dr. Ami respecting Hudson's Bay might also profitably be inquired into at the same time and by the same authorities.

Yours sincerely,

C. Fitzpatrick

The Rt. Honourable Sir Wilfrid Laurier
Prime Minister

¹²⁶ White believed that because the legislation called for in the 1897 Order-in-Council had never been passed, the boundaries it set out had no legal status. He may therefore have suggested in his missing memorandum that Parliament should now formally endorse the boundaries. It is clear from Fitzpatrick's comments in the next paragraph that White advocated action by the Canadian Parliament, rather than by the British Parliament as Ami had always done. In the previous year, White had prepared maps to accompany W. F. King's report that showed boundary lines extending to the North Pole. Accordingly, his memo likely also advocated a sector claim (see doc. 138n and Introduction).

White croyait que parce que la loi demandée dans le décret de 1897 n'avait pas été votée, les limites territoriales qu'il établissait n'avaient aucun statut juridique. Il peut donc avoir suggéré dans son mémoire manquant que le Parlement devrait maintenant officiellement adopter les limites territoriales. Il est clair d'après les commentaires de Fitzpatrick au paragraphe suivant que White favorisait une action du Parlement canadien plutôt que du Parlement britannique, comme Ami l'avait toujours fait. L'année précédente, White avait préparé des cartes pour accompagner le rapport de W. F. King, qui montraient des limites territoriales s'étendant jusqu'au pôle Nord. Par conséquent, son mémoire favorisait probablement aussi une revendication du secteur (voir doc. 138n et l'introduction).

On White's views regarding the 1897 Order, see: Pour les opinions de White concernant le décret de 1897, voir White, "Place Names in Northern Canada," *Transactions of the Royal Society of Canada*, 3rd ser., vol. 4 (1910), sec. 4, p. 37n.

¹²⁷ 4-8 Edw. VII (SC 1905) c. 27, assented to on 20 July 1905, sanctionne le 20 juillet 1905.

157.

Letter from Prime Minister to Minister of Justice
Lettre du premier ministre au ministre de la Justice
LAC/ BAC, MG 26 G, vol. 375
Copy/ Copie

Ottawa, 28th July, 1905.

My dear Fitzpatrick,–

I have your favour enclosing copy of the memorial addressed to you by Doctor Ami.

In my estimation, we have taken the best course possible in the matter to which he refers, that is, the policy of having the northern waters patrolled by our people, and our jurisdiction quietly extended to every island.

Yours very sincerely,

[Wilfrid Laurier]

Hon. C. Fitzpatrick,
 Minister of Justice, Ottawa.

158.

Telegram from Comptroller, Royal North-West Mounted Police, to Chief Clerk,
Royal North-West Mounted Police
Télégramme du contrôleur, Royale gendarmerie à cheval du Nord-Ouest, au premier
commis, Royale gendarmerie à cheval du Nord-Ouest
LAC/ BAC, RG 85, vol. 861, file/ dossier 8221

Ottawa, 13th September, 1905.

L. Fortescue,
 Crosbie Hotel, St. Johns, Nfd.

Under Acts of last session and proclamation Ungava, Keewatin, Mackenzie and everything north will in future be under our jurisdiction as the North West Territories of which I have been appointed Commissioner.¹²² Under these arrangements we shall in future be able to carry out our own plans,¹²³ explain to Moodie.

[Frederick White]

¹²² Order-in-Council Décret du Conseil 1905-1661, approved on 24 August 1905 approuvé le 24 août 1905, LAC/ BAC, RG 2, vol. 896.

¹²³ A number of factors limited White's ability to chart his own course as Commissioner. See Introduction. Un certain nombre de facteurs limitait la capacité de White d'élaborer son propre plan d'action à titre de commissaire. Voir l'introduction.

159.

Instructions from Deputy Minister of Marine and Fisheries to Commander, Canadian Government Expedition

Directives du sous-ministre de la Marine et des Pêcheries au commandant, expédition du gouvernement du Canada

LAC/ BAC, RG 42, vol. 142, file/ dossier 27330

Ottawa, 23rd June, 1906

Sir,

The work mapped out for the C.G.S. "ARCTIC" during the present season is as follows:

You are to leave Quebec as soon as possible, proceed north, calling at Port Burwell, and having a look into Hudson Strait so as to be able to report on the ice conditions. You will then continue north, having a look in at Cumberland Gulf, and calling at the whaling stations if possible. From here you will cross to the Greenland shore and work up towards Melville Sound, thence through the north water and make for the entrance to Lancaster Sound; before going down the Sound, call if possible at Pond's Inlet. From this place you will push down the Sound, going as far west as possible. All lands on either hand should be visited. All the old depots should be examined. A look in should be had as far as conditions will permit, at the various sounds and straits leading north and south from Melville Bay [Sound] and Bank's [Barrow] Strait.

Of course you will understand that on such a voyage much must be left to your own judgment as master of the ship, and officer in charge of the expedition, finding ice in one direction you may have to turn to another, as the conditions vary each season. Melville Sound may be blocked, and after looking into Regent's Inlet, it may be that a passage could be found down into the Gulf of Boothia, or even as far as Victoria Strait — all this depends on the ice conditions, and only when you are on the spot can you best decide where to go.

You will be most careful not to risk the ship too far in the pack anywhere, and you should be off the eastern end of Lancaster Sound on your return not later than the 1st September. You are to call if possible on your way at Pond's Inlet, and keep along the Baffin land shore, and call at the stations in Cumberland Gulf and Cape Haven. You should be off the mouth of Hudson Strait not later than the 20th September, call at Port Burwell for tidings of any ships that may have passed in or out, and leaving record of your own visit. So much has been said about the length of time Hudson Strait remains open in the fall, the "ARCTIC" might be held there as long as it is deemed safe for the vessel and those on board, (which idea you will always consider paramount in your movements) so as to be able to report on the conditions.¹²⁴

If on calling at Port Burwell on your return from the North, you find that you have to proceed to Fullerton for any cause whatever, you should do so, not however taking the risk of being frozen in there, or being jammed in the ice about Southampton, Mansfield or Salisbury Islands. In October there is always danger of the northern ice from Smith's Sound coming down and blocking the eastern mouth of the Strait, and being jammed in the ice when it is making in the fall and getting harder every day, is different from going into it in the Summer months when it is hourly rotting.

You will prepare a statement and leave it for record in the Department before you sail, of your main points of call north, and at each point a cairn should be built, and a statement

¹²⁴ O.G.V. Spain initialled the document beside this paragraph. O.V.G. Spain a paraphé le document à côté de ce paragraphe.

left of your next point of call, so that in case of any accident your movements could be traced by a relief ship which would be sent next season. You will also select a point to fall back upon in case of accident, and send [a note of it] to the Department here before you sail.

It will be your duty to formally annex all new lands at which you may call, leaving proclamations in cairns at all points of call.

In a cruise of this nature a great deal of course must be left to your own discretion, but by the Minister's instructions I am to impress upon you the necessity of being most careful in all your actions not to take any course which might result in international complications with any Foreign country. When action on your part would seem likely to give rise to any such contingency, you will hold your hand but fully report the facts on your return.

You will give every assistance to the officers from other departments who accompany you, in the performance of their respective duties, and I am desired by the Minister to convey to yourself and those on board the C.G.S. "ARCTIC" an expression of his best wishes for your safe return in the fall after a successful season in the northern waters of Canada.¹²⁵

I am, Sir,

Your obedient servant,

F. Gourdeau

Dy Minister Marine & Fisheries

Captain J.E. Bernier,

C.G.S. "ARCTIC", Sorel, P.Q.

160.

Memorandum from Commander, Canadian Government Expedition, [to Deputy Minister of Marine and Fisheries?]

Note du commandant, expédition du gouvernement du Canada, [au sous-ministre de la Marine et des Pêcheries?]

LAC/ BAC, RG 42, vol. 142, file/ dossier 27330

[Québec, June or July 1906?]

Sir,

As the Government does not seem to be prepared to send surveyors by Steamer "Arctic", this year at Port Burwell,¹²⁶ as first intended, I respectfully submit that it would be in the interest of Canada to change, the itinerary that I proposed in my memorandum¹²⁷ of April last, and I would think it proper that after having taken charge of the islands mentioned below, I would do the North West passage by way of McClure's Strait, the itinerary to be the following:-

(1) From Sorel proceed direct to Ellesmere Land, where I would take possession of that land, also of Cobourg Island, North Devon Island, and then go after the whalers, who will be at that time in Lancaster Sound, Burrow Strait and Melville Sound to serve upon them notices of the fishing rights of Canada.

(2) Proceeding further west I would take charge in the name of Canada, [of] Cornwallis Island, Bathurst Island, Byam Martin Island, Melville Island, and if McClure Strait is clear

¹²⁵ These orders were later replaced. / Ces ordres furent plus tard remplacés. See/ Voir doc. 165.

¹²⁶ To select a spot for a lighthouse. / Pour choisir un endroit pour un phare.

¹²⁷ Not found. / Non retrouvée.

of ice cross over to Bay Mercy to take possession of Bank Land and of McClure's Ship the "Investigator" and bring her to Herchel's Island Mounted Police post, if still afloat.

(3) Then I will serve notices upon eleven whalers who have wintered there and are now fishing at the mouth of the Mackenzie River. If no accident happens I would expect to be at Victoria B.C. in the month of December where the ship would be fitted to proceed to the Pole.

(4) Failing to pass McClure's Strait on account of ice, I would retrace my steps, take possession of Prince of Wales [document torn document déchiré] North Somerset, Bylot Island, and establish a depot at [document torn document déchiré] Inlet. Coming along the Coast of Baffin Land I would call at Black Lead, and Kekerton in Cumberland Sound, and then stop at Port Burwell on my way home.

(5) The amount already voted by Parliament for the [document torn document déchiré] trip to the North, is amply sufficient for the proposed [document torn document déchiré] through McClure Strait.

J.E. Bernier

161.

Letter from Assistant Under-Secretary of State for the Colonies to Under-Secretary of State for Foreign Affairs

Lettre du sous-secrétaire d'État adjoint aux Colonies au sous-secrétaire d'État aux Affaires étrangères

TNA, FO 371/184

Downing Street,
19 July, 1906.

Immediate.
23704/1904.

Sir,

With reference to the letter¹²⁸ from this Department of the 30th of July 1904 enclosing a despatch¹²⁹ from the Governor-General of Canada reporting the view of his Ministers that the waters of Hudson's Straits are territorial waters appertaining to Canada, I am directed¹³⁰ by the Earl of Elgin to request you to invite the attention of Sir E. Grey to a telegram from Ottawa in the "Times" of the 5th instant stating that the Canadian "Parliament has adopted a Bill imposing an annual licence-fee of \$50 (£10) for the privilege of whaling in Hudson Bay", that "the Bill declares that the bay is wholly within¹³¹ the territorial water of Canada" and that "several United States whaling vessels have conducted operations in Hudson Bay for some years past."

¹²⁸ Cox to Under-Secretary of State for Foreign Affairs, 30 July 1904, TNA, FO 371/184.

¹²⁹ Doc. 139.

¹³⁰ See/ Voir doc. 139, minutes dated 1906/ notes datées de 1906.

Some of the references used in this letter also appear in the minute on Minto's despatch by Charles Davis. Certaines des références utilisées dans cette lettre sont aussi utilisées dans la note par Charles Davis sur la dépêche de Minto. For full citations, see/ pour les références complètes, voir doc. 139 footnotes/ notes en bas de page.

¹³¹ Marginal note:/ Note marginale :

Cf. Times [word illegible, mot illisible] [A. Larcom?]

The wording in the Times report was: Le libellé du compte rendu du Times était,
The Bill declares that the bay is wholly the territorial water of Canada.

2. Lord Minto's despatch and the Minute of Council enclosed therein referred only to Hudson's Straits and not to the Bay, but if Hudson's Straits are territorial waters, nothing inside them can be said to be open sea, and in Mr. King's Report both the Bay and the Straits are claimed as territorial waters.

3. The question of the territorial status of the Bay and Straits has not been lost sight of since the letter under reference was written, but it is one which involves extensive research and Lord Elgin regrets that owing to pressure of other work the investigation is not yet completed, though considerable progress has been made.

4. The whaling operations of United States vessels in Hudson's Bay referred to in the Times' telegram go back apparently at least to 1861, possibly to an even earlier date. The Report¹³² of the Canadian Hudson's Bay Expedition of 1886 contains a Table from which it appears that the "number of United States vessels sent to the whale fishery of Hudson's Bay and Cumberland Gulf" between the years 1846 and 1875 was 113. Owing to the fact that Hudson's Bay and Cumberland Gulf are lumped together in this Table, it is not possible to say whether any voyages were made to Hudson's Bay, and if so how many, in the years 1846-1860, but it is known from official United States returns that 49 voyages were made to the Bay between 1861 and 1875 and that the value of the catch for the period (omitting the years 1869 and 1871) was \$1,371,000. United States whaling vessels were observed by the Canadian expeditions of 1884, 1885 and 1886, and two vessels were known to have been fitting out in 1887. The Officer in command of the Expeditions estimated in his 1884 report, on the basis of an average of 3 vessels per annum, the value of the oil and bone taken by United States whalers between 1876 and 1884 to be \$822,600. It will however, be seen from the enclosed Reports of the expeditions of 1903-4 and 1904-5 (appendix 12 to the Report of the Marine Department for 1904 and Part IV of the Report on the North West Mounted Police for 1905) that only one United States vessel appears to have been operating in the Bay in the period 1903-5 and that whales are now becoming scarce.

5. It may, however, be regarded as certain that in view of the long period during which American whalers have resorted to the Bay without interference that the United States Government will not fail to give their attention to the Act which is stated to have been passed by the Parliament of Canada, and it is therefore desirable that His Majesty's Government should be in a position to return an answer to any protest that may be made against it. A draft of a telegram which Lord Elgin proposes accordingly to address to the Governor General is enclosed for Sir E. Grey's approval.

6. Both Vattel and Bluntschli give Hudson's Bay as an instance of an enclosed stretch of water which cannot be regarded as mare clausum and the dictum of Vattel was actually appealed to by the United States Government in their Case against Russia in the recent arbitration before the Hague Tribunal over the Behring Sea claims¹³³ (see page 19) though in terms which implied that the contrary view would not be unreasonable.

7. It is, however, very probable that both the authorities mentioned described Hudson's Bay as mare liberum on general geographical principles and without reference to the political and international history of the Bay and Straits. The Charter granted to the Company by Charles II in 1670 and the Act of Parliament of 1690 which confirmed the

¹³² *Report of the Hudson's Bay Expedition of 1886, under the Command of Lieut. A.R. Gordon, R.N.*, Sessional Papers, 1887, vol. 20-14, no. 15b./ *Rapport sur l'expédition à la baie d'Hudson en 1886 sous le commandement du Lieut. A.R. Gordon, M.R.*, Documents de la Session, 1887, vol. 20-14, n° 15b.

¹³³ *Foreign Relations of the United States 1902* (Washington, DC : Government Printing Office, 1903), Appendix I: Whaling and Sealing Claims Against Russia.

Charter for seven years, asserted the English claim to the Bay and Straits and the fourth Article of the Treaty of Utrecht (1713) established as between Great Britain and France the British status of those waters. That claim and status could of course not be disputed by the United States of America while they were still British Colonies, and it is for the United States Government to prove that a change was introduced after the Revolution.

8. No change was introduced by the 3rd Article Treaty of Peace of 1783 relating to the fisheries, as the recognition in that Article of the right of the people of the United States to take fish in the open sea, covered only the "places in the sea where the inhabitants of both countries used at any time heretofore to fish", a description which prima facie in view of the terms of the Charter excluded Hudson's Bay and Straits.

9. It is likely that any representations which the United States Government may make against the enforcement of the view that Hudson's Bay is British territorial water will refer to the second paragraph of the letter of Messrs Gallatin and Rush, dated 20th October, 1818, which is printed in the State papers (Volume VII 1819-1820 p. 167). These gentlemen who negotiated on behalf of the United States Government the Convention of the same date there state that the exception of the exclusive rights of the Hudson's Bay Company contained in Article I "applies only to the Coasts and their Harbours, and does not affect the right of fishing in Hudson's Bay, beyond three miles from the shores, a right which could not exclusively belong to, or be granted by any nation."

10. The correspondence relating to the negotiation of the Convention of 1818 printed in Foreign Office confidential print No 2285¹³⁴ does not explain the circumstances in which the exception of the exclusive rights of the Hudson's Bay Company was embodied in Article I. It is requested that the archives of the Foreign Office may be examined with a view to ascertaining whether they throw any light on the point.¹³⁵

11. Subject to the production of further information, Lord Elgin does not think that much importance need be attached to the view of Messrs Gallatin and Rush as to the extent of the exclusive rights of the Hudson's Bay Company as safeguarded by the Conventions. They admit that the exception of those rights was "virtually implied in the Treaty of 1783 and that the Americans had never, any more than the British Subjects, enjoyed any right there, the Charter of that Company having been granted in the year 1670," and their construction of the exception is apparently based merely upon a general rule of international law which had come to be adopted by the year 1818. But the exception is expressed in the widest possible terms, viz: "without prejudice to any of the exclusive rights of the Hudson's Bay Company". This is a recognition of the fact that the Company possessed certain exclusive rights and is in effect admitted to be such by Messrs Gallatin and Rush. It is, therefore, it may be remarked in parenthesis, apparently not open to the United States Government to question the validity of the Charter, as was frequently done by British subjects during the 200 years of its existence. But the exclusive rights granted to the Company by the Charter extended over the whole of the Bay and Straits, as Messrs Gallatin and Rush seem to have been aware, and prima facie it would be expected that if any limitation of those exclusive rights had been intended by the British negotiators, it would have been definitely expressed. Messrs Gallatin and Rush however, do not state that the British negotiators had agreed to such a limitation, and it is improbable that the British negotiators would have taken upon themselves the responsibility of thus interpreting or modifying the terms of the Charter.

¹³⁴ *Correspondence respecting the British North American Fisheries, 1803-1851* (1873).

¹³⁵ Marginal note: Note marginale :

[Library?] for search & report [Author unknown: Auteur inconnu]

12. In any case the view of Messrs Gallatin and Rush that the rights of the Company were confined to the waters within "three miles from the shores" is inconsistent with the view which His Majesty's Government have always taken of the provision of the Convention by which the United States [r]enounced for ever "any liberty heretofore enjoyed or claimed by the inhabitants thereof to take dry and cure fish on or within three marine miles of any of the coasts bays creeks or harbours of His Britannic Majesty's Dominions in North America, not included within the above mentioned limits", and His Majesty's Government could consequently not adopt the view of Messrs Gallatin and Rush without abandoning the contention that there is no limitation as regards width of opening on the bays from which American fishermen are excluded by the Convention of 1818;¹³⁶ so that His Majesty's Government would be obliged to contend that even if Hudson's Bay is open sea, the three mile limit within which the exclusive rights of the Company were in force should be measured in the case of all subsidiary bays etc., from a straight line joining the respective headlands, and not from the shore.

13. It should not be overlooked that the United States Government appealed before the Halifax Fisheries Tribunal to the recollection of Mr. Rush, in support of their view that the intention of the negotiators of the Convention of 1818 was to allow the fishermen of the United States to fish in any bay, provided merely that they did not come within a marine league of the shore but that the British Government declined to attach any weight to his remarks (See United States Brief and British Reply p. 110 and p. 140 respectively of C.2056).¹³⁷

14. Even adopting the view put forward by Messrs Gallatin and Rush, the action of American whalers, in resorting to inshore waters and in occupying British territory, has, if whales are to be regarded as fish and whalers as fishermen, been contrary to Treaty, and has, if they are not to be so regarded, been in excess of their Treaty rights, and can be prohibited for the future. The point whether whales are fish and whalers are fishermen within the meaning of Article I of the Convention of 1818 is raised here, because of the contention of His Majesty's Government that the French right of fishery in the territorial waters of Newfoundland does not extend to the taking of whales, and it is not without importance as, if whales are not fish, then the United States Government cannot plead the authority of the Convention for the operations of American whalers in British waters and on British territory north of Hudson's Straits.

15. In any case the fact that American whalers can be prohibited from making use of the shores and inshore waters of Hudson's Bay considerably detracts from the importance to the United States Government of the question whether the Bay is open sea or not, as it is presumed having regard to the modus operandi of American whalers described in the Reports of the various Canadian Expeditions that a right to take whales in the Bay would be comparatively valueless, without access to and the use of the shore, and the force of any argument which the United States Government may seek to base upon the fact that American whalers have resorted to the Bay for so many years is considerably lessened by

¹³⁶ This was the position taken by the United Kingdom, Canada, and Newfoundland. It was upheld by the Permanent Court of Arbitration in its 1910 award on the North Atlantic Fisheries dispute. See James Brown Scott, ed., *Hague Court Reports* (New York: Oxford University Press, 1916), pp. 181-190.

Ceci était la position adoptée par le Royaume-Uni, le Canada et Terre-Neuve. Elle fut confirmée par la Cour permanente d'arbitrage dans son arbitrage de 1910 touchant les pêcheries des côtes septentrionales de l'Atlantique. Voir James Brown Scott, *Les travaux de la Cour permanente d'arbitrage de La Haye*, New York, Oxford University Press, 1921, p. 190-199.

¹³⁷ United Kingdom, Parliamentary Papers, Command Papers, C. 2056, *Correspondence respecting the Halifax Fisheries Commission* (London: Harrison and Sons, 1878).

the consideration that for the whole of that period they have been intruding admitted British rights. The situation would, Lord Elgin apprehends, be quite different, if the British jurisdiction had been so exercised as to deprive American whalers of the use of the shores and inshore waters, while leaving them free of the rest of the Bay, and it may reasonably be argued that their unrestricted use of the Bay in the circumstances proves nothing.

16. It is possible that the United States Government may, if their attention has been drawn to the Canadian Order in Council of the 2nd October 1895 which divided the unorganized North Western Territories into four provisional districts, attempt to make capital of the fact that in describing the boundaries of Ungava, it provides[.] "and with regard to the Islands in Hudson Strait, Hudson's Bay & James Bay, it is to be understood that only those islands which lie within a distance of three sea miles from the coast are to be included in the district[.] all outside of this limit are to be under the control of the Dominion Government". This language certainly appears to put Hudson's Bay on the footing of *mare liberum*. The Order in Council of the 2nd October, 1895 was however cancelled by an Order in Council dated 18th December 1897. This later Order is of special interest as it approved a recommendation that legislation should be passed to effect a new division of the unorganized Northwestern Territories, by which Hudson's Bay was divided between Keewatin and Ungava and Hudson's Straits apparently between Ungava and Franklin, so that the principle of the Act now in question appears to have been officially decided on by the Canadian Government as far back as 1897.

17. It will be noticed from the enclosed Report that in the course of the expedition of 1903-4 the Dominion Flag was hoisted on and formal possession was taken of certain territories, including Ellesmere Land. In view of the Canadian apprehensions as to the soundness of the British title to the lands to the North of Hudson's Bay, it may be pointed out that in the passage in the United States Case in the Behring Sea Arbitration already referred to, Hudson's Bay is described as "surrounded on every side by British possessions, not only as regards the mainland, but also [as] regards the chain of islands stretching across its wide mouth."

18. I am to take this opportunity to forward in original for Sir E. Grey's information a despatch* from Sir H. Taschereau enclosing copy of a Memorandum by Mr King of an earlier date than that enclosed in Lord Minto's despatch of the 23rd June 1904. It is requested that the despatch may be returned to this Office, when it has been printed.

19. Lord Elgin would point out in conclusion that the Parliament of Canada has no power to legislate for waters outside the limits of the Dominion. If, therefore, the United States Government should hold the view that Hudson's Bay is open sea, they are at liberty to institute legal proceedings to test the validity of any action taken under the Act now in question in any waters which they consider not to be within the territorial limits of Canada.

I am, Sir,

Your most obedient servant,

C.P. Lucas

The Under Secretary of State [Sir Charles Hardinge]
Foreign Office.

Minutes/ Notes

The new Bill raises the whole question of the title of Hudson's Bay to be considered a "*mare clausum*", and also incidentally the whole "Headland question". It is therefore pretty sure to arouse American comment and objection. None has however yet been made and we may perhaps await it before fully discussing the matter.

We must have the text of the Bill and the Canadian arguments in support of it to enable us to do this, so may concur in the proposed Tel: to Lord Grey, and pending a reply the Library might examine our archives to see if they throw any light on the point raised in para 10 of this letter[.] which should be got into print at the same time.

The last letter of July 30.04 was printed as a separate paper, but the whole question is so germane to those treated under "Joint Comm^{ns}" that it would seem preferable to place it in that series.

M^r Davidson

A. L[arcom]

E. G[orst]

I have read the letter & encls. As no further action is to be taken at present I will refrain from making observations.

C.J.B. H[urst] 28/7/06

The correspondence in this office relative to the negotiations leading up to the Fishery Article in the Treaty with the U.S.A of 1818 appears to have been almost entirely printed in 1873, if not entirely.

The reservation of the rights of the Hudson's Bay Co. specifically contained in that article, was virtually implied in the Treaty of 1783.

The Commissioners appointed to negotiate a Treaty of Commerce met in London in August 1818. At the Conference held on Sept. 17, the American Commissioners put forward a project of an article relative to the Fisheries, and on Oct. 6, the British Commissioners put forward a counter-project.

Both these projects adopt the principles respecting the Fisheries specified in the Treaty of Peace of 1783 that is, in other words they recognize the rights of the Hudson's Bay Company by implication.

The American Commissioners having objected to the British Counter project, the British Commissioners submitted an amended one, on October 13, which contained the proviso in the terms actually inserted in the Treaty[.] which was signed a few days later.

An examination of the correspondence leads strongly to the inference that the idea of securing the rights of the Hudson's Bay Co. in explicit terms first suggested itself to the British Commissioners, or that it was suggested to them, on or after October 6, but I don't find anything in the appropriate papers which would explain the process by which the wording came to be adopted.

The British Commissioners addressed their reports from the Board of Trade and it is possible that the Archives of that Department may include fuller accounts of what transpired at the meetings of the Commissioners (or other records on the subject) than are available at this office.

The Colonial Office should apply direct to the Board of Trade should an inspection of the Archives of the latter office be desired.

N. Ball Aug. 2/06.

From the above memo it appears that nothing can be found in our archives to explain the circ[umstan]^{ces} under which the exception of the exclusive rights of Hudson's Bay Co. was embodied in Art. I of the Treaty of 1818; but that further information may exist in the

Board of Trade, as the negotiations were carried on in London and the British Commission]™ addressed their reports from the Board.

Q[uer]y Inform C.O. in this sense.

P. S[omers?] C[ocks?]

E. G[orst]

162.

Letter from Commander, Canadian Government Expedition, to Deputy Minister of Marine and Fisheries

Lettre du commandant, expédition du gouvernement du Canada, au sous-ministre de la Marine et des Pêcheries

LAC/BAC, RG 42, vol. 142, file/ dossier 27330

Quebec, 20th., July, 1906.

Sir:-

I have the honour to enclose you herewith the letter of instructions dated June [23], 1906, which you called back, and I beg to submit for your information that considering that we have been detained so long, it would be expedient to proceed direct to Lancaster Sound, calling at Pond Inlet to serve notices on the whalers there or in the Barrow Straits west of Erebus Bay, in the Barrow Straits, taking possession of all lands and islands on our way, winter at Erebus Bay or Melville Islands (Winter Harbour) if possible, so as to be able during the winter to take possession of Banks Land and Prince Albert Land, opposite Bay of Mercy where McClure's ship "INVESTIGATOR" was left, making all necessary arrangements to enable other ships to follow us in case of misfortune.

We have a good ship and with the aid of God we can do all this for the benefit of Canada. I will be ready to leave on Thursday.

[...]¹³⁹

I have the honor to be,

Sir,

Your obedient servant,

J.E. Bernier

Master, C.G.S. "ARCTIC."

Lt. Col. F. Gourdeau,

Deputy Minister, Marine & Fisheries,

Ottawa.

¹³⁸ No information appears to have been obtained from the Board of Trade. At the request of Lord Strathcona, the Hudson's Bay Company provided numerous documents, none of which were relevant to the status of the waters of Hudson Bay. Aucune information ne semble avoir été obtenue du Conseil du Commerce. À la demande de lord Strathcona, la Compagnie de la Baie d'Hudson a fourni de nombreux documents dont aucun n'était pertinent au statut des eaux de la baie d'Hudson. See: *Voies* TNA, CO 42/910.

¹³⁹ Marginal note:/ Note marginale :

Referred to Comm[ande]r Spain. Jul 23 1906

163.

Letter from Assistant Under-Secretary of State for Foreign Affairs to Under-Secretary of State for the Colonies

Lettre du sous-secrétaire d'État adjoint aux Affaires étrangères au sous-secrétaire d'État aux Colonies

TNA, CO 42/909

Foreign Office

July 20th, 1906.

24613.

Immediate.

Sir:

I am directed by Secretary Sir E. Grey to acknowledge the receipt of your letter (23704 04) of the 19th instant calling attention to a telegram from Ottawa in the Times of the 5th instant relative to the reported introduction of a Bill in the Canadian Parliament "imposing a licence fee for the privilege of whaling in Hudson Bay", and declaring that "the Bay is wholly the territorial water of Canada".

It is obvious that the Bill, if accurately described, may give rise to comment and objection on the part of the United States Government, though no such objections have as yet been addressed to this Department and in order to meet such it is desirable to be furnished with the Text of the Bill and the grounds on which the Canadian contention is based.

Sir E. Grey concurs therefore in the terms of the telegram which the Earl of Elgin proposes to address to the Governor General with the object of obtaining this information: and would defer offering any observations on the general question of the British title to Hudson's Bay until the fuller information requested in the Telegram has been furnished.

In the meanwhile your letter and its enclosures with the exception of the printed Reports, will be printed as desired by Lord Elgin, and search will be made as suggested in the Archives of this Office with a view of ascertaining whether they throw any light on the circumstances in which the exception of the exclusive rights of the Hudson's Bay Company was embodied in the Convention of 1818.

I am, Sir,

Your most obedient,
humble Servant,

E. Gorst

The Under Secretary of State [Sir Montagu Ommanney],
Colonial Office.

164.

Decoded Telegram (Paraphrased) from Secretary of State for the Colonies to Governor General

Télégramme décodé (paraphrasé) du secrétaire d'État aux Colonies au gouverneur général

*LAC/ BAC, RG 7 G-21, vol. 169, file/ dossier 296**Copy/ Copie*

[London,] 24th July 1906.

Secret.

THE EARL OF ELGIN TO GOVERNOR GENERAL EARL GREY

"Times" of 5th July contains Ottawa telegram stating that Bill has been adopted by Canadian Parliament declaring that Hudson's Bay is wholly within territorial waters of Canada and imposing annual licence fee for privilege of whaling in the Bay. If this is correct, please send home copy of Act as soon as possible. We have Lord Minto's Confidential despatch of 23rd June 1904 but your Ministers have no doubt since that date made further investigation into the various aspects, geographical, historical and legal, of question of the status of the Bay and Straits and with the Act I shall be glad to have a report embodying in detail the grounds on which your Ministers now rely to establish the British status of the Bay, in order that we may be in a position to return an early and authoritative answer to the representations which United States Government in view of the long period during which their vessels have whaled in Bay without interference, may be expected to make. In particular I should like the Report to deal with any argument which United States Government may base on second paragraph of letter of United States negotiators of Convention of 1818 printed in State Papers Volume 7 1819-1820, page 167, and on Canadian Order in Council of 2nd October 1895 which would appear no doubt unintentionally to have treated the Bay on footing of open sea by including in Ungava all islands within limit of 3 miles from shores.²

²⁴⁰ Grey replied on 14 August 1906, forwarding copies of the Fisheries Amendment Act, 6 Edw. VII (SC 1906) c. 13. Grey répondit le 14 août 1906, envoyant des copies de l'Acte modifiant de l'Acte des pêcheries, 6 Edw. VII (SC 1906) c. 13. See/ Voir TNA, CO 42/907.

165.

Instructions from Deputy Minister of Marine and Fisheries to Commander, Canadian Government Expedition**Directives du sous-ministre de la Marine et des Pêcheries au commandant, expédition du gouvernement du Canada***LAC/ BAC, RG 18, vol. 323, file/ dossier 1906-744**Copy/ Copie*¹⁴¹

[Ottawa,] 24th July, 1906.

Sir:—

In reference to the expedition in the C.G.S. "ARCTIC", under your command, which is to proceed to the northern waters of Canada, I have to instruct you that after careful consideration it has been decided that this vessel should winter north one season, returning in the fall of 1907, after remaining in the vicinity of Hudson Strait as long as it is deemed safe to hold the vessel there (which idea you will always consider paramount in your movements) in order to report fully on the ice conditions there, and the date until which Hudson Strait remains open in the fall.

You will, therefore, sail from Quebec at as early a date as possible, and proceed direct to Lancaster Sound, calling at Pond Inlet to serve notices on the whalers there, or in the Barrow Straits, west of Erebus Bay, taking formal possession of all lands and islands on your way. You will winter at Erebus Bay or Melville Islands ([W]inter [H]arbor) if possible, so that you may be enabled during the winter season to take possession of Banks Land and Prince Albert Land, opposite Bay of Mercy, making all necessary cairns and leaving records to enable your ship to be traced in the event of misfortune.

Of course, you will understand that on a voyage of this nature, much must be left to your own judgment as master of the C.G.S. "Arctic", and officer in charge of the expedition; finding ice in one direction you may have to turn to another, as conditions vary each year, but you will be most careful not to risk the ship in the pack too far anywhere, always bearing in mind that being jammed in the ice in the fall when it is making and getting harder every day, is different from going into it in the summer months when it is hourly rotting.

Before leaving, you will prepare a statement of your main points of call north; at each point a cairn should be built, and a statement left of your next point of call, so that your movements can be traced if unfortunately you should meet with accident. You will also select a point to fall back upon in case of misfortune, and leave same with the Department here before you sail.

It will be your duty to formally annex all new lands at which you may call, leaving proclamations in cairns at all points.

¹⁴¹ The original of this document and the file copy are both incomplete. Because the first page of the file copy is missing, it is impossible to be certain that the orders were formally approved by Minister Brodeur, who was known to have poor control over his department. L'original de ce document et la copie du dossier sont tous les deux incomplets. Parce que la première page de la copie du dossier manque, il est impossible de confirmer que les ordres furent officiellement approuvés par le ministre Brodeur qui était connu pour avoir peu de contrôle sur son ministère.

See/ Voir BANQ, fonds J.-E. Bernier, P188, 1960-01-140, vol. 1, dossier « Correspondance 1906 »; LAC/ BAC, RG 42, vol. 142, file/ dossier 27330.

In a cruise of this nature a great deal of course must be left to your own discretion, but by the Minister's instructions I am to impress upon you the necessity of being most careful in all your actions, not to take any steps which might result in international complications with any foreign country. When action on your part would seem likely to give rise to any such contingency, you will hold your hand and report the facts fully on your return.

You will give every assistance to the officers from other departments who accompany you in the performance of their duties, and make them as comfortable on board ship as conditions will permit.

As the "ARCTIC" is to winter north, you will advise everyone on board to this effect before leaving Quebec, so that no complaints later on may be received that anyone sailed on this voyage under the misapprehension that the vessel was to return this coming fall.

When you are able to leave your winter quarters in the spring of 1907, your summer's work must be mapped out by yourself according to the then existing conditions, whether you then return through Barrow and Lancaster Straits, cross over to the Greenland shore and work down, timing yourself to be off the mouth of Hudson Strait not later than the 20th September, or continue your work in other directions with this end in view. It must be left to your own discretion. You will however time yourself to arrive off the mouth of Hudson Strait not later than the 20th September, call at Port Burwell for tidings of any ships that may have passed in or out, and leave a record of your own visit.

You will then take up your station in the vicinity of Hudson Strait, and carry out the instructions contained in the first paragraph of this letter, before returning to Quebec.

I am desired by the Minister to convey to yourself and those on board the C.G.S. "ARCTIC" an expression of his best wishes for your safe return after a successful voyage to the northern waters of Canada.¹⁴²

I am, Sir,

Your obedient servant.

[François Gourdeau].

Deputy Minister of Marine and Fisheries.

Captain J.E. Bernier, Commanding C.G.S. "Arctic",
Dept. Marine & Fisheries,
Quebec, Que.

¹⁴² The major differences between these orders and the ones given on 23 June are the directives to take formal possession of all islands the ship passed, rather than only of any new islands that Bernier might discover, to serve notices on the whalers, and to winter in the north, with Bernier being given a free hand regarding the programme for the second year. The first change should presumably be attributed to Bernier's lobbying (see doc. 160). The second was the result of the amendment to the Fisheries Act, which received royal assent on 13 July (see next document). The third was primarily due to a combination of late departure and Bernier's lobbying.

Les principales différences entre ces ordres et ceux donnés le 23 juin sont les directives pour prendre officiellement possession de toutes les îles que le navire croisant plutôt que seulement de toutes les nouvelles îles que Bernier pourrait découvrir, de donner des avis aux baleiniers, et d'hiverner dans le Nord, avec Bernier recevant une latitude assez large concernant le programme de la deuxième année. La première modification devrait probablement être attribuée au lobbying de Bernier (voir doc. 160). La deuxième fut le résultat de la modification à l'Acte des pêcheries, qui fut sanctionnée royale le 13 juillet (voir le document suivant). La troisième fut probablement causée par une combinaison du départ tardif et des pressions de Bernier.

166.

Instructions from Assistant Commissioner of Fisheries to Commander, Canadian Government Expedition**Directives du sous-commissaire des Pêcheries au commandant, expédition du gouvernement du Canada***BANQ, fonds J.-E. Bernier, 1960-01-140, vol. 1, dossier « Correspondance 1906-1907 »*

[Dictated by] W.A. F[ound]

Ottawa, July 24th., 1906.

Sir:—

In your capacity as Fishery Officer on board the C.G.S. "ARCTIC," while on the expedition to the northern waters of Canada, you will administer the amendment to the Fisheries Act passed during the last Session of Parliament, 6 Edward VII, Chapter 13, which provides for the issue of licenses to vessels engaged in the whale fishery or hunting whales in the waters of Hudson Bay or the territorial waters of Canada north of the 55th. parallel of north latitude.

Therefore, whether such vessel or boat belongs to Canada, or is registered or outfitted in, or commences her voyage from, any British or foreign country, and is engaged in whaling in the territorial waters of Canada, you will require the master to take out a license to legalize such operations.

The fee payable on such license is Fifty Dollars per annum for each vessel, and for the present it is deemed sufficient to issue a license for the vessel without regard to the number of boats she may employ for the time being.

If it is the intention of the vessel to remain longer than one year, you may so issue the license, collecting the fees on the annual basis; but this is a matter of detail which will be regulated by circumstances.

You will keep an accurate record of the licenses you may issue, collecting all information possible, to be returned to the Department, together with the fees thereon at the first opportunity.

Major Moodie has been supplied with licenses, which he will issue in Hudson Bay.

The Canadian territorial waters north of the 55th. parallel of north latitude are for the present to be regarded as embracing the three mile limit washing Canadian shores, whether along the coast or around islands, and the waters of well defined bays.¹⁴³

I am, Sir,

Your obedient servant,

R.N. Venning

Assistant Commissioner of Fisheries.

P.S. I enclose you a Book of Licenses numbered from 1 to 100. R.N.V.

Captain Bernier,

C.G.S. "ARCTIC," Quebec.

¹⁴³ The file copy of this letter was initialed by Minister Brodeur to indicate his approval. La copie du dossier de cette lettre fut paraphée par le ministre Brodeur pour indiquer son approbation. See Voir LAC/ BAC, RG 23, vol. 242, file/ dossier 1536.

167.

Letter from Assistant Under-Secretary of State for the Colonies to Under-Secretary of State for Foreign Affairs

Lettre du sous-secrétaire d'Etat adjoint aux Colonies au sous-secrétaire d'Etat aux Affaires étrangères

TNA, FO 371/184

Downing Street,

25 July, 1906.

25679. 1906.

Sir,

With reference to the letter from this Department of the 19th instant, respecting the Canadian Act, regulating whaling in Hudson's Bay, I am directed by the Earl of Pligm to request you to inform Sir F. Grey that, according to the Votes and Proceedings of the House of Commons of Canada of the 30th of June last, a Resolution was, on that date, adopted by the Committee of the whole House in the following terms:

"That it is expedient to provide that a licence fee of \$50 shall be paid by each boat engaged in the whale fishery in Hudson Bay, or the waters of Canada north of the 55th parallel of north latitude".

2. The Act will therefore affect, it is presumed, the operations of United States whalers not only in Hudson's Bay but off Herschell Island on the north west (Arctic) coast of Canada. An account of the operations conducted in the latter vicinity will be found on pages 18-20 of the accompanying Canadian Sessional Paper (28a, 1906), entitled "Supplementary Report of the Royal North West Mounted Police 1905".

3. United States vessels appear to have begun to take whales in the neighbourhood of the mouth of the Mackenzie River over 50 years ago (see the address of Admiral Beechey to the Royal Geographical Society, 26th May, 1856, page CCIX of the Journal of the Society for that year, see also page 354 of the Report of the Select Committee of the House of Commons on the Hudson's Bay Company, Blue Book 224-260 Session 2, 1857). The application of the Act in this quarter, however, seems to raise no question either of Treaty rights or of international law.

I am, Sir,

Your most obedient Servant,

H. Bertram Cox

The Under Secretary of State [Sir Charles Hardinge]
Foreign Office.

Minutes/ Notes

It now appears that the new Act affects American whalers off Herschell Island as well as in Hudson's Bay, but the C.O. think that this, unlike the Hudson Bay, raises no question of Treaty rights or International law, presumably because the whalers undoubtedly make use of British territory and waters.

The works mentioned in para. 3 have duly been examined.

The C.O. have asked for a report from the Canadian gov^t on the Hudson's bay question and [they] will presumably include Herschell Island in that report.

Q[uer]² ack[nnowledge] rec[eipt] [...]

[Philip Somers Cocks?]

E. G[orst]

168.

Letter from Commander, Canadian Government Expedition, to Minister of Marine and Fisheries

Lettre du commandant, expédition du gouvernement du Canada, au ministre de la Marine et des Pêcheries

LAC/ BAC, RG 42, vol. 142, file/ dossier 27330

Pond's Inlet, August, 20th, 1906.

Sir;—

I take this first opportunity to advise you, that the Steamer "Arctic", has arrived all well at Pond's Inlet on the 19th. Inst, after a remarkable voyage through the Northern Waters, by the Greenland route to Lancaster Sound, Navy Board Inlet into Pond's Inlet.

As there are no whalers reported here I presume that they are in Lancaster Sound, and I leave on the 20th, through Navy Board Inlet westward towards Port Leopold, Burrow Strait, west of Erebus Bay, taking possession of all Islands not already taken, and push onward towards Melville Island, as per instructions of your letter¹⁴⁴ [...].

I have addressed a notice to the following, Captains;—

Captain Mutch,	Whaler	Albert,
Captain Mill,		Eclipse,
Captain McKay,		Diana,
Captain Conny [Cooney],		Windward,
Captain Guy,		Bellena,
Captain Adams,		Morning,
Captain Robertson,		Scotia

all of Dundee, and I beg to enclose you a copy of the same, which will inform you what vessels are supposed to be whaling here this Summer.

All Officers and Men are in good health.

I have engaged two natives here, one as interperter, and the other as companion to the interperter for we may meet natives and we want them to become acquainted with the fact that this is all Canada, and to govern themselves accordingly and they will all be treated as Canadians.

¹⁴⁴ Doc. 165.

I beg to advise you that as I am in doubt as to whether Bulet Island was taken possession of by Commander Low, I will therefor take possession on the 21st inst.

[...]

I remain, Sir,
Your obedient servant,
J.E. Bernier

The Honorable, The Minister of Marine & Fisheries [Louis-Philippe Brodeur],
Ottawa

Enclosure: Letter from Commander, Canadian Government Expedition, to Whaling Captains

Pièce jointe : Lettre du commandant, expédition du gouvernement du Canada, aux capitaines de baleiniers

Copy/ Copie

Pond's Inlet, August, 20th, 1906.

Sir;—

I beg to advise you that a new law has been passed in Ottawa, that you shall require to have a license to fish for whales in the territorial waters of Northern Canada, north of the 55th, parallel north latitude.

Not having the pleasure of meeting you in these waters and in my capacity as Fisheries Officer, on board the C.G.S. "Arctic", I therefor ask you to send to the Minister of Marine & Fisheries, Ottawa, the sum of Fifty Dollars, for license for the year 1906, if I do not meet you this Fall.

I beg leave to enclose you a copy of Bill, No 223, passed by the Canadian Parliament this year, and on your return home, please act accordingly to these instructions.

Hoping you will have a prosperous season, and a safe return,

I have the honor to remain,
Sir,
Your Obedient servant,
J.E. Bernier
Commanding Officer,
C.G.S. "Arctic"

169.

Letter from Commander, Canadian Government Expedition, to Deputy Minister of Marine and Fisheries

Lettre du commandant, expédition du gouvernement du Canada, au sous-ministre de la Marine et des Pêcheries

LAC/BAC, RG 42, vol. 142, file/ dossier 27330

Albert Harbour, Sept, 29th, 1906.

Dear Colonel,

It affords me pleasure to advise you that the "Arctic", is safe and sound in Albert Harbour Pond's inlet, Northern Baffin Land, where we met the Sloop Albert, and the whaler Eclipse, by whome we send this letter.

After our departure from Father point, we had a good lead of fortune. We were fortunate of the choice of the route through the middle pack and we arrived first at Pond's inlet on the 19th, of August, 1906.

We then proceeded North through Navy Board inlet, and took possession of all the Parry Archipelago islands.

Commencing by Bylot island, Griffiths, Cornwallis, Bathurst[,] Byam Martin, Melville[,] Prince Patrick, Emerald, Eglinton, Garrett, Davy, Young, Russell, and Lowther island,¹⁴⁸ on the Southern point of which I planted the flag, and called Col. Gourdeau point, for the many past favours, also please find photo of same[,] with the state of the ice before we reached Melville island, and the first bear that paid his respects to his Majesties ship, the "Arctic", also Albert Harbour Ponds Inlet where we are quartered for the winter, and different photos of other views along our route so far. I have sent the Honorable Minister copies, all proofs of the same.

We expect to leave here the latter part of July, for North Lincoln and Jones Sound, and return after seeing the whalers that we have missed on account of their being caught in the ice pack, off Melville bay. There are four of them and they were caught about June.

We will proceed along the Baffin Land to Cumberland Sound and Port Burwell where we expect to receive news from civilization. And after the season is over will return home.

[...]

I remain,

Dear Sir,

Your Humble servant,

J.E. Bernier

Commanding officer

Col Gourdeau

Deputy Minister Marine & Fisheries

170.

Letter from Comptroller, Royal North-West Mounted Police, to President of Privy Council

Lettre du contrôleur, Royale gendarmerie à cheval du Nord-Ouest, au président du Conseil privé

LAC/BAC, MG 26 G, vol. 449

Ottawa, 19th February, 1907.

Dear Sir Wilfrid Laurier,

I return, herewith, the papers† which you sent me with your note† of 16th instant, viz: a letter from Mr. D.C. McTavish, of [the] H.B. Company, Norway House, to the Rev. John Semmons, and copy of one from Mr. Semmons to Mr. S.J. Jackson, M.P., respecting the killing of musk-ox in our North East Territory.

¹⁴⁸ Bernier's various lists of the islands he claimed to have taken possession of during this voyage are not consistent. He carried out flag-raising ceremonies on Bylot, Griffith, Cornwallis, Bathurst, Byam Martin, Melville, Lowther and Russell Islands. Les diverses listes de Bernier des îles dont il a déclaré avoir pris possession pendant son voyage ne sont pas cohérentes. Il a exécuté des cérémonies de levée du drapeau sur les îles Bylot, Griffith, Cornwallis, Bathurst, Byam Martin, Melville, Lowther et Russell.

When Moodie made his first trip to Hudson Bay he found that the American whaling ships devoted the winter to trading with the natives and encouraging them to slaughter musk-ox, the skins of which they obtained in trade and carried off to the United States.

Moodie issued a proclamation forbidding the killing of musk-ox, and although he had no legal right to do so you were good enough to approve of his action, and to say that, if necessary, you would pass an Act justifying it.

I then started with the Dept. of the Interior, in the hope of being able to get the same law applied to musk-ox, in the East, as is applied to the remnant band of wood buffalo in the West. I have not been successful so far, but I will make another effort with Mr. Oliver.

We met two serious difficulties in connection with our endeavours to establish Canadian jurisdiction in Hudson Bay, first, to make the Captains of the American whaling vessels realize that they were in Canadian waters and must pay duty on their trading outfit. Although there was friction and threatened protest from Washington, this was successfully accomplished.

The other question was the subsidizing by American whaling boats of natives, to indiscriminately kill musk-ox, and bring the skins to American ships to be disposed of by barter. This we succeeded in checking, and to-day there is not an American whaling ship in Hudson Bay. All accomplished quietly without international friction.

At the same time it seems impossible for the officials of the H.B. Company to realize that the action of the Canadian Government has been in the direction of preserving the Canadian fur trade for Canadians.

I explained all this to Mr. Chipman, Commissioner Hudson's Bay Company, who was in Ottawa a few days ago, and I am sure he quite appreciates our action.

With regard to the charge that the officer of the Mounted Police, Major Moodie, is practically a free trader and buying up robes, I may say that Moodie, appreciating the fact that the natives must have food, is prepared to purchase from them and give them full value for every skin obtained by them in connection with their food supply, and every skin so purchased is properly accounted for.

You may remember that charges were made in connection with the "Arctic" investigation that the Police had obtained a lot of skins and used them for their own purpose.⁴⁶ As a matter of fact, the skins so obtained cost the Government in food and labour to the natives about \$300.00, but realized at sale by tender \$1913.00.

Fur trading is not congenial to Police work, but has been forced upon us as a necessity, and will be discontinued the moment we get clearly over the interim period necessary to thoroughly establish our jurisdiction in Hudson Bay and the coast thereof.⁴⁷ The result will be that the H.B. Company and Canadian traders will have control of the fur trade of the Canadian North East Territory, of which I venture to say that in past years they have not reaped the benefit of one third.

⁴⁶ See: Voir "Conservatives Put in Box Captain Bernier's Steward," *Toronto Star*, 12 June 1906, p. 1, and et "Major Moody Gives Evidence: Says Every Fur Secured Up North Was Brought Back or Properly Sold," *Toronto Star*, 14 June 1906, p. 1.

⁴⁷ In subsequent years, Moodie contended that because the American whalers no longer visited Hudson Bay, the police must continue trading to ensure the welfare of the Inuit. This argument was rejected after the HBC stated its intention to open a post at Chesterfield Inlet. Au cours des années suivantes, Moodie affirma que, parce que les baleiniers américains ne se rendaient plus dans la baie d'Hudson, la police devait poursuivre le commerce pour assurer le bien-être des Inuits. Cet argument fut rejeté après que la Compagnie de la Baie d'Hudson eut indiqué son intention d'ouvrir un poste au pôle Chesterfield. See: Voir LAC BAC, RG 18, vol. 371, file. dossier 1909-209.

I hope this explanation will satisfy Mr. S.J. Jackson, M.P., that Canadian interests are being carefully guarded and that a little patience, and possibly a diminution in musk-ox skins for a year to two, will produce good results.

Yours faithfully,

Fred^d White

The Right Honourable Sir Wilfrid Laurier, G.C.M.G.,
&c., &c., &c.,
Ottawa.

171.

Memorandum from Minister of Marine and Fisheries to Privy Council
Mémoire du ministre de la Marine et des Pêcheries au Conseil privé
LAC/ BAC, RG 2, vol. 928

[Dictated by] W.A. F[ound]

Ottawa, February 25th., 1907.

To His Excellency, the Governor General in Council.

THE undersigned has the honour to report to Your Excellency on a secret cipher cable of the 24th. July, 1906. This despatch states that the "TIMES" newspaper contained an Ottawa cable that an Act had been passed by the Canadian Parliament, imposing a license fee for the privilege of whaling in Hudson Bay, and declaring the Bay to be wholly Canadian territorial waters.

HIS Lordship refers to a confidential despatch¹⁴⁸ of the 23rd. June, 1904, and assumes that the Canadian Government has made investigation into the various geographical, historical and legal aspects of the question of the status of Hudson Bay and Strait, and he expresses a desire for a report, embodying in detail the grounds upon which it now relies to establish British status in Hudson Bay, in order to reply to representations which may be expected from the United States Government in view of the longstanding period during which their vessels have hunted whales in Hudson Bay without interference.

THE despatch refers particularly to possible arguments which may be based on the second paragraph of a letter from Messrs. Gallatin & Rush, to Mr. Adams, touching the United States negotiations of the Convention of 1818, to be found at page 167 of Volume VII of the State Papers, 1819-1820, as well as to an approved Minute of the Canadian Privy Council dated 2nd. October, 1895, which, in the opinion of His Lordship, by including all islands within the three mile limit from shore, in Ungava, would appear, - no doubt unintentionally, - to have treated Hudson Bay on the footing of an open sea.

YOUR Excellency's despatch of the 23rd. June, 1904, to which His Lordship refers, transmits an approved Minute of Council of the 21st. June, 1904, covering a memorandum of the 7th. May, by the Chief Astronomer of Canada, to the Minister of the Interior, considering the derivation of the title of Great Britain and Canada to the northern islands and the region of Hudson Bay, in which the territory is divided into a series of groups, seven in number, of which No. 1 deals with Hudson Bay.

¹⁴⁸ Many of the sources used in this document are also mentioned in the minute on Minto's despatch by Charles Davis./ Plusieurs des sources utilisées dans ce document sont aussi mentionnées dans la note par Charles Davis sur la dépêche de Minto. For full citations, see / Pour les références complètes, voir doc. 139, footnotes/ notes en bas de page.

THE contention put forth is that as to the question of the extent of the jurisdiction which Canada possesses over the inland seas, etc. dealt with, it is reasonable to argue that the jurisdiction is territorial, and that according to international usage, Canada may reasonably claim that the maintenance of her national rights, as such rights are universally understood, demands that these northern waters be considered territorial. Moreover, that in the Treaty of 1818, between Great Britain and the United States, the "exclusive rights at the Hudson's Bay Company" are guarded by a special provision. These exclusive rights naturally involved the assumption by the Crown of Great Britain of the territorial ownership of Hudson Bay and Strait.

HENCE, this assumption of territorial sovereignty has been recognized by the United States in a solemn treaty.

THE points which the memorandum essays to establish are:

1. THE British title to the northern archipelago rests initially on discovery by British navigators, and their acts of taking possession;
2. THOUGH occupation may not have been sufficient to perfect the inchoate title of discovery, at least no opposing occupation of a character recognized by international law, as effectual, has taken place;
3. IN accordance with the accepted principles of international law, the waters of the northern archipelago and of Hudson Bay and Strait are to be considered territorial.
4. THE territoriality of Hudson Bay and Strait has been asserted, and never relinquished by the British Crown. It has been recognized by the United States in the Treaty of 1818, and the British title was transferred to Canada by the Imperial Orders in Council of 1870 and 1880.

THE undersigned would observe, with regard to His Lordship's suggestion, that Your Excellency's Ministers have considered the various historical, geographical and legal aspects of the status of the Bay and Strait, and he now desires to refer briefly to some of the historical features of the case which led up to the Treaty of Utrecht of 1713, and the significance which that Treaty imparted to the claim to the territoriality of the waters in question.

BRIEFLY outlined, it may be said that Hudson Bay was discovered in 1610, by Henry Hudson, and in 1631, Captain James visited the Bay, and wintered at Charlton Island.

THE Hudson Bay Company originated from a voyage in 1667, and the Charter of King Charles II was granted in 1670. The operations following attracted the attention of the French, who claimed that all the country had long since been discovered by France, and in 1683, Louis XIV intimated to M. de la Barre, that he should prevent as much as possible, the English from establishing themselves in Hudson Bay, possession whereof, he said, had been taken in his name several years ago.⁴⁹

A Company formed at Quebec had sent two vessels to Hudson Bay, resulting in a clash with the English, followed by acts of war contesting for the supremacy of the Strait and Bay of Hudson.

IN 1686 a Treaty of neutrality⁵⁰ was concluded, which, as applied to Hudson Bay, provided that the Kings of England and France should "hold the domains, rights,

⁴⁹ Charles Lindsey, *An Investigation of the Unsettled Boundaries of Ontario* (Toronto: Hunter, Rose, 1873), pp. 5, 128-129. Most of the information in the following seventeen paragraphs of the memoir was drawn from Lindsey's publication. La plupart des renseignements des dix-sept paragraphes suivants du mémoire ont été tirés de la publication de Lindsey.

⁵⁰ Frances G. Davenport, ed., *Treaties Bearing on the History of the United States and Its Dependencies*, vol. 2, 1650-1697 (Washington, DC: Carnegie Institution, 1929), doc. 79.

preeminences in the seas, straits, and other waters of America, to which and in the same extent which of right belongs to them, and in the same manner in which they enjoy them at present."¹⁵¹ This did not long endure, however, and war was continued.

IN 1697 the Treaty of Ryswick¹⁵² was concluded, which restored whatever had been taken from either nation during the war.

THE negotiations preceding the Treaty of Peace (Utrecht, 1713), are important, as demonstrating England's insistence on the restoration of the Bay and Strait of Hudson.

THE demands of Great Britain, as affecting Hudson Bay, formed the 8th. Article of those presented in 1711, and read as follows:—

"8. NEWFOUNDLAND. Hudson Bay and Straits, shall be completely restored to the English. Great Britain and France shall respectively keep and possess all the countries, domains and territories in North America that each nation shall be in possession of at the time when the ratification of the Treaty shall be published in those parts of the world."¹⁵³

THE instructions of Queen Anne to the Bishop of Bristol and the Earl of Stafford, the British Plenipotentiaries at Utrecht, dated 11th. December, 1711, were very specific, and in the following language:—

"AS to our interests in the north part of America, you are to be particularly careful, and to demand in the first place, the restoration of the Bay and Straits of Hudson, together with such further security of the trade as you will be able to obtain."¹⁵⁴

ENGLAND had previously rejected proposals by France which would leave them any footing in Hudson Bay.

THE French plenipotentiaries, in a despatch [dated] 18th. April, 1712, show the importance Great Britain attached to Hudson Bay and Strait. They report that the English plenipotentiaries "protested a hundred times that they had express orders to break up the whole negotiations rather than give way on one point or the other, as well as on that on the Strait and Bay of Hudson, where they even insisted that all the cannon must remain to them."¹⁵⁵

QUEEN Anne, in announcing to Parliament, — 6th. June, 1713, — the conditions of the peace, said: "Our interest is so deeply concerned in the trade of North America that I have used my utmost endeavours to adjust that Article in the most beneficial manner. France consents to restore to us the whole Bay and Straits of Hudson."

THE Hudson Bay Company thanked the Queen "for the great care Your Majesty has taken for them by the Treaty of Utrecht, whereby the French are obliged to restore the whole Bay and Straits of Hudson, the undoubted right of the Crown of Great Britain."

MR. Lindsey, in his report on the northern boundaries of Ontario, says that to obtain the whole Bay and Straits had almost become a tradition of English policy. The Commissioners appointed to treat with the French in 1685, the Earl of Sunderland, the Earl of Middleton and Lord Godolphin, reported as their opinion "that it plainly appears

¹⁵¹ Lindsey, *An Investigation*, pp. 110-115.

¹⁵² Davenport, *European Treaties*, vol. 2, doc. 84; Henri Vast, *Les grands traités du règne de Louis XIV*, tome 2, Paris, A. Picard, 1898, p. 202-213.

¹⁵³ *Statutes, Documents and Papers Bearing on the Discussion Respecting the Northern and Western Boundaries of the Province of Ontario* (Toronto: Hunter, Rose, 1878), p. 42.

¹⁵⁴ Lindsey, *An Investigation*, p. 15.

¹⁵⁵ For the quotations and information in this paragraph and the next four paragraphs, see Pour les citations et l'information de ce paragraphe et des quatre paragraphes suivants, voir Lindsey, *An Investigation*, pp. 16-17, 25-26, 184.

Your Majesty and Your Majesty's subjects have a right to the whole Bay and Straits of Hudson and the whole trade thereof."

THEN followed His Majesty's decision thereon: "His Majesty upon the whole did conceive the said Company well founded in their demands and therefore did insist upon his own right and the right of his subjects to the whole Bay and Straits of Hudson and to the trade thereof."

THE article of the Treaty of Utrecht, 1713, which deals with the restoration of Hudson Strait and Bay, so far as it is essential to the present argument, reads as follows:

"X. THE said Most Christian King shall restore to the Kingdom and Queen of Great Britain, to be possessed in full right forever, the Bay and Streights of Hudson, together with all lands, seas, seacoasts, rivers and places situate in the said Bay and Streights, and which belong thereunto, no tracts of land or of sea being excepted which are at present possessed by the subjects of France."

AND Article XI provided that the above mentioned Most Christian King shall take care that satisfaction be given, according to the rule of justice and equity, to the English Company trading to the Bay of Hudson, for all damages and spoil done by the hostile incursions and depredations of the French in time of peace.

THE undersigned would observe that it is revealed by the foregoing that the object of the British negotiators throughout the negotiations between the two Powers, was to secure the sovereignty over the Bay and Strait of Hudson, by restoration or otherwise, rather than to acquire tracts of land on the continent, the extent of which could not then be measured, known or occupied, and in respect of which no restoration could have been sought or granted.

OBVIOUSLY, the protracted contest for possession of these waters was incited and maintained by a desire, on the one hand, for access thereto, and on the other, for exclusion therefrom.

THESE two nations alone were combatting by aid of arms and diplomacy for sovereignty over these waters, the right of which sovereignty was acknowledged and maintained by both, and in the final disposition of this property, the Powers alone concerned, reached an agreement by which it was restored to one of them to be possessed in the full right forever, by the assumption and exercise of the right and power to do so by the other.

IN the opinion of the undersigned, no more potent claim to exclusive ownership and jurisdiction could be established.

PASSING to the geographical phase of the question, the undersigned believes an examination of some of the early maps may assist in establishing the light in which the territoriality of Hudson Bay and Strait was regarded by the topographers of the times, dating as far back as 1632.

IN 1632, "Carte de la Nouvelle France" in Champlain's Works, ed. 1632, Hudson Bay and Straits are included in Nouvelle France;¹⁵⁶

IN 1650, "L'Amerique Septentrionale, by N. Sanson," the name "Canada" extends across Hudson Bay;

¹⁵⁶ Here the memo cites: Ici le memoire cite *Statutes, Documents and Papers*, p. 135. The information presented about the following long list of maps appears to have been drawn from this same source. L'information presentee au sujet de la longue liste de cartes semble avoir été tiree de cette meme source. See/ Voir pp. 136-136h, 136l-136n, 136p, 136r, 136x, 137.

IN 1660, "Tabula Novae Franciae" Hudson Bay and Straits are included as part of New France;

"L'Amerique Septentrionale" by Sr. Sanson (before 1662), the name runs across Hudson Bay. The name "Canadienne" also, extends from the west shore of Lake Superior (produced), northeasterly and across Hudson Bay;

IN 1662, "Canada" by du Val, includes Hudson Bay;

IN 1664, "Le Canada" made by Sr. de Champlain, includes Hudson Bay in "Nouvelle France ou Canada;"

IN 1678, "Novissimae Americae descriptio," by F. De Witt, the name "Canada" runs across Hudson Bay;

In 1688, "Carte generale de la France Septentrionale contenant la decouverte du pays des Illinois, fait par le Sr. Joliet," includes Hudson Bay and Straits;

IN 1688, "Partie occidentale du Canada ou de la Nouvelle France," by P. Coronelli, includes Hudson Bay in Canada;

IN 1692, "Carte Generale de la Nouvelle France," includes in New France the lower portion of Hudson Bay;

IN 1699, "Amerique Septentrionale" by Sieur Sanson, clearly includes Hudson Bay in Canada or New France;

IN 1700, "Mappe Monde," by G. de l'Isle, Canada includes Hudson Bay;

IN 1700, "L'Amerique Septentrionale," by G. de l'Isle, includes Hudson Bay in Canada or New France;

IN 1700, "Carte dressée," by G. de l'Isle, Hudson Bay is included in Canada;

IN 1700, "Partie de la Nouvelle France," by Hubert Jaillot, includes Hudson Bay;

IN 1703, "Carte du Canada ou de la Nouvelle France," by G. de l'Isle, the name "Canada or Nouvelle France" includes Hudson Bay;

IN 1709, Map, endorsed "14. Draft of the Bay with the limits prescribed by the Treaty of Utrecht," by S. Thornton, Hudson Bay and Straits are contained;

IN 1713, "The English Empire in America," by Herman Moll, Hudson Bay is included in New France or Canada;

MAP by H. Moll, without date; but dedicated to Lord Somers, includes all Hudson Bay in "Canada;"

IN 1737, "Le cours du Fleuve Mississippi, selon les relations les plus modernes," (in "Recueil des Voyages: Amsterdam," 1737, Vol. 9), Hudson Bay is included in "Canada or Nouvelle France;"

IN 1744, "Carte de la partie Orientale de la Nouvelle France ou du Canada," by N. Bellin, Ingénieur de la Marine, 1744, Hudson Bay is included in Canada as far as the limit of the map;

IN 1746, "Carte du Globe Terrestre," by Buache, Hudson Bay is included in "Canada;"

IN 1748, "Mappe Monde," by Sr. Robert, Hudson Bay is included in "Canada;"

IN 1748, "L'Amerique Septentrionale," by Sr. Robert, Hudson Bay is included in "Canada," the name crossing the foot of James Bay;

IN 1752, "Carte des Terres nouvellement connues au nord de la Mer du Sud, Buache," Hudson Bay is included;

IN 1756 (about), "Carte de la Nouvelle France ... Amsterdam chez la Veuve de Joselin (?) et fils," Hudson Bay is included in Canada or Nouvelle France;

IN 1787, "Mappe Monde. - Hemisphere Occidentale," in the "Atlas Encyclopédique" by M. Bonne, Hudson Bay is included in "Canada;"

IN 1876, the Library [of] Geography, London, Glasgow and Edinburgh, Map No. 39, shows Hudson Bay and Strait to be wholly within the territory of the Dominion of Canada.

THE undersigned would observe that the legal aspect of the case is probably closely associated with and involved in the preceding remarks, as well as in a consideration of the specific points to which His Lordship, the Principal Secretary of State for the Colonies alludes in his despatch, and upon which the undersigned offers the following remarks.

THE approved Minute of Council referred to, - 2nd October, 1895 - dealt with a division of the unorganized and unnamed districts of the Northwest Territories for postal purposes, for the convenience of settlers, and it essayed alone to establish provisional districts under a Provisional Government, as municipal in its relation to the Federal Government.

THE Minute, after describing the boundaries of the District of Ungava[,] proceeds: "and with regard to the islands in Hudson Strait, Hudson Bay and James Bay, it is to be understood that only those islands which lie within a distance of three sea miles from the coast are to be included in the district; all outside this limit are to be under the control of the Dominion Government."

THIS is the specific reference to which His Lordship alludes as having, probably unintentionally, treated Hudson Bay as an open sea.

IT appears to the undersigned that this definition of territory and limitation of jurisdiction of Provisional Districts and Provisional Governments, may be susceptible of precisely the opposite interpretation, since it confines them to the territories within the three mile limit, while it reserves to the Federal Government, the territories outside thereof and such jurisdiction as obtained with regard to the waters mentioned.

BUT whatever significance it may be sought to attach to this Order in Council as providing authoritative distribution of right and jurisdiction, must, in the opinion of the undersigned, have disappeared with its cancellation by the subsequent Order in Council of 18th. December, 1897, in the following terms:-

"THE Minister recommends that the Order in Council of the 2nd. October, 1895, be cancelled, and that such legislation as may be necessary be introduced at the next Session of Parliament to authorize the division of the portions of Canada not comprised within any Province, into nine Provisional Districts, in accordance with the annexed description and map."

UNGAVA is described as,-

"the District of Ungava, (outlined in purple on the map herewith), containing about 450,000 square miles, bounded as follows: On the west by the District of Keewatin, on the south by the Province of Quebec; on the east by the Territory under the jurisdiction of Newfoundland; on the north, by a line drawn along the middle of Hudson Strait and a continuation of the said line, passing between Salisbury and Nottingham Islands, to the eastern boundary of Keewatin."

NOW the District of Keewatin as then described, was in part, as follows

"BEGINNING at the point where the eastern boundary of the Province of Ontario intersects the shore of the part of Hudson Bay commonly known as James Bay, the said eastern boundary being a line drawn due north from the head of Lake Temiscamingue, thence northerly along the middle of James Bay, passing to the west of Charlton and the Twin Islands, and to the east of Agoomska and Bear Islands, to a point midway

[between Cape Jones and Cape Henrietta Maria; thence northerly] through Hudson Bay in a direction to enter the Strait between Coats and Mansfields Islands.”

THE undersigned would observe that these descriptions, by actual metes and bounds, dispose of Hudson Bay, including the waters thereof, within the limits of Keewatin and Ungava Districts, and hence territorial.

THE water boundary line in this case is not susceptible of being regarded as a line on either side of which lands or islands were to be allotted to each District; but as a definitive boundary line, dividing the territory in land and water which belongs to each District, amply embracing the whole of Hudson Bay as [a] territorial possession.

DR. King, Chief Astronomer and Boundary Commissioner, describes, – 23rd. January, 1904. – Ruperts Land, which was united to Canada by Imperial Order in Council of the 23rd. June, 1870, as follows:–

RUPERTS Land is the name applied in the Charter of the Hudson Bay Company (1670) to the territory in which the lands were granted to them in free and common socage, (as distinguished from those further territories in which the same Charter gave them exclusive rights of trade without property in the soil), and comprised “all the countries coasts and confines of the seas, bays, lakes, rivers, creeks and sounds, in whatever latitude they shall be that lie within the entrance of the Strait commonly called Hudson Strait,” and that were not “already possessed or granted to any of our subjects, or possessed by the subjects of any other Christian King or State.”

AN Imperial Order in Council of the 31st. July, 1880, transferred to Canada all British territories and possessions in North America not already included in the Dominion of Canada or Newfoundland, so that if any territory or territorial rights existed in Hudson Bay in the right of the Imperial Government, which had not already become the property of Canada, they passed to her by virtue of that Act [Order].

THE undersigned would observe that claims to jurisdiction over extensive water areas are maintained and acquiesced in, and certain cases in point may be cited. The United States claim and exercise sovereignty over Boston Bay, Long Island Sound, Delaware Bay, Chesapeake Bay, Albermarle Sound and Monterey Bay.

WHEN Russia and Great Britain entered into a provisional agreement in 1893, providing a thirty mile zone around the Kommandorzky Islands,¹⁵⁷ great care was taken by the Russian negotiators, in considering the terms of the agreement, to place themselves on record as not prejudicing the question generally or the right of [a] riverain power to extend her territorial jurisdiction in certain special cases beyond waters generally regarded as territorial or as limiting her liberty of regulation of the seal fisheries on the open sea.

THE reply of Her Majesty’s Government was that while taking note of the general reservations, they had abstained from discussing them at present; but that Great Britain would, on her side, maintain to the full the reservations made by her, and it was therefore understood that the right[s] and possession[s] of neither Power were in any way to be prejudiced by the Provisional Agreement.

HERE then was an explicit agreement, in which great care was evidently taken to leave untrammelled any extraordinary or maximum claim which peculiar circumstances might eventually justify.

¹⁵⁷ “Notes exchanged between Great Britain and Russia, for the Protection of Russian Sealing Interests in the North Pacific Ocean during the Year 1893,” *British and Foreign State Papers*, vol. 85 (London: Harrison and Sons, 1899), pp. 1286-1290.

THE undersigned would also refer to the fact that in the arbitration between Russia and the United States, in the matter of the seized sealing vessels, the Russian contention endeavoured to establish the premise that the limit of maritime territory had, as shown by the spirit of modern conventions and agreements, been extended considerably beyond old conventional lines.

BUT the claim to the territorial character of Hudson Bay has not to rely upon a search for precedent or acquiescence. It stands upon a much more effective base, — that of an early assertion of sovereignty, which has not been successfully assailed, if even attempted or seriously traversed.

THE Charter to the Hudson Bay Company, granted by King Charles II in 1670, assumed complete sovereignty over both Hudson Strait and Bay. The rights conveyed by this Charter were most comprehensive and complete, and it could not have proceeded except on the assumption of unrestricted power, based on sovereign rights.

WHILE in the course of the wars of the seventeenth century, the French obtained some tentative possessions, the whole of the Bay was restored to Great Britain by the Treaty of Utrecht in 1713, and what the French and English had been fighting for was to whom this property, as such, should belong.

IT is not intended to discuss the right of the sovereign to convey this Charter, nor the effect of the occurrences up to 1713, upon the validity thereof, but it is submitted that Parliament and the Crown have recognized the Charter as continuing from 1670 to 1868, thereby reasserting sovereignty over Hudson Bay and Strait which had been asserted by King Charles II, and recognized in set terms by the restoration by France under the Treaty of Utrecht.

THERE is an obvious difference between Hudson Bay and the open sea or ocean, which is held to be free to all mankind. Chancellor Kent's Commentaries, Volume I, 9th edition,⁸⁸ page 29, says: "The open sea is not capable of being possessed as private property. The free use of the ocean for navigation and fishing is common to all mankind, and the public jurists generally and specifically deny that the main ocean can be appropriated."

APPARENTLY this correctly states the case. Hudson Bay is not the open sea or the main ocean. On the contrary, it is a landlocked bay, lying wholly within the body of the territory of one nation, whose interior shores alone it washes, as entirely distinct from the outer seacoast, which is bounded by the ocean, and it has for its entrance a narrow strait from the ocean. So far as the general navigation of the ships of the world is concerned, it is a route to no place except the interior recesses of Canada, and from the ocean it forms no highway to any other country or to any other seas. It is accessible only during portions of the year, and its entrance is navigable with safety only from about the 10th July to the 20th October.⁸⁹ It is therefore clearly distinctive from the open ocean and possesses no characteristics thereof.

⁸⁸ James Kent, *Commentaries on American Law*, vol. I, 9th edn (Boston: Little, Brown, 1858).

⁸⁹ Here the memo cites "Commander Wakeham's Report, 1897." See *Report of the Expedition to Hudson Bay and Cumberland Gulf in the Steamship Diana Under the Command of William Wakeham, Marine and Fisheries Canada, in the Year 1897* (Ottawa: S. E. Dawson, 1898). Ici, le mémorandum cite « Commander Wakeham's Report, 1897 ». Voir William Wakeham, *Rapport de l'expédition en la baie d'Hudson et au détroit de Cumberland à bord du navire Diana sous le commandement de William Wakeham, Marine et Pêcheries du Canada en l'année 1897*, Ottawa, Imprimeur de la Reine, 1898.

THE entrance to Hudson Strait from the ocean, at Hatton Headland across to Cape Chidley, is thirty miles wide,¹⁶⁰ and a bay whose entrance may be defended, is capable of possession and being subject to the laws of the nation within whose territory it lies, as incidental thereto. Otherwise, encroachment and marauding could proceed practically within the interior body of the country without remedy, or even the authority for such remedy. It is not reasonable to contemplate such a contingency as consistent with the dictates of necessity or of international law or usage.

PROFESSOR Bluntschli, in his *Law of Nations*,¹⁶¹ Book IV, sections 302 and 309, states the rule of jurisdiction, as follows:—

“WHEN the frontier of a state is formed by the open sea, the part of the sea over which the state can, from the shore, make its power respected, i.e. the portion of the sea extending as far as a cannon shot from the coast, is considered as belonging to the territory of that state. Treaties and agreements can establish other and more precise limits.”

“NOTE: The extent practised of this sovereignty has remarkably increased since the invention of far-shooting cannon. This is the consequence of the improvements made in the means of defence of which the state makes use. The sovereignty of states over the seas extended originally only to a stone’s throw from the coast. Later to an arrow shot; firearms were invented, and by rapid progress we have arrived at the far-shooting cannon of the present age. But still we preserve the principle: terrae dominium finitur, ubi finitur armorum vis.”

THIS doctrine has a direct and peculiar application to the narrow entrance of Hudson Strait from the ocean, leaving the Bay inside wholly territorial and incidental to the country belonging to Canada, which is limited in this regard only by the Atlantic Ocean, which washes its outer coast.

SO far as the actual geographical position of Hudson Bay, and its topographical character, or the conformation of its shores are concerned, it is only a question of degree, and if the Bay had been a precisely similar water area penetrating but say thirty to fifty miles into the heart of the country, it is inconceivable that the full scope of territorial right could be denied. The principle, involved, however, in such an hypothesis is identical with that under existing conditions.

CHESAPEAKE Bay is approximately two hundred miles long, and Long Island Sound, one hundred and twenty miles. Over these the United States claim[s] territorial jurisdiction. The claim to Chesapeake Bay is practically analogous to that to Hudson Bay, while that to Long Island Sound, which is a highway along the coast[,] lacks many of the characteristics which mark Hudson Bay as territorial.

¹⁶⁰ Hatton Headland, on Resolution Island, and Goodwin Island, just north of Cape Chidley, are approximately 43 statute or 37 nautical miles apart. The entrance to Hudson Bay is narrowest near the western end of Hudson Strait, where a passage approximately 35 statute or 30 nautical miles wide separates Nottingham Island and Digges Island.

Hatton Headland, sur l’île Resolution, et l’île Goodwin, juste au nord de Cap Chidley, se trouvent à environ 43 milles ou 37 milles nautiques de distance. L’entrée vers la baie d’Hudson est plus étroite près de l’extrémité occidentale du détroit d’Hudson où un passage d’environ 35 milles ou 30 milles nautiques de large sépare l’île Nottingham et l’île Digges.

¹⁶¹ See/ Voir doc. 139, footnote 79/ note en bas de page 79. The English text quoted here was used in the United States arguments before the Halifax Fisheries Commission./ Le texte anglais cité ici a été utilisé dans les arguments des États-Unis devant la Commission des pêcheries de Halifax.

It is not unreasonable nor illogical that Hudson Bay and the exploitation of its products should be regarded as the property of the subjects of the country within whose confines it lies. The country, for the protection of its revenue, has the right to prevent foreign vessels from invading these essentially territorial waters, especially if not regularly cleared and bound for a port therein.

It is the recognized right of nations, universally exercised, to prohibit the call of vessels at places other than specified ports, and the whole of the conditions obtaining in Hudson Bay render essential a claim by Canada to territorial jurisdiction over these waters for the safeguard of her national rights, if indeed a claim has not already been established in the light of the circumstances and conditions above alluded to.

HIS Lordship points to the extract from the letter from Messrs. Gallatin & Rush to Mr. Adams, dated London, 20th. October, 1818, — the date of the Treaty between Great Britain and the United States in respect of the Fisheries of His Britannic Majesty's Dominions in America. It reads as follows:—

"We succeeded in securing, besides the rights of taking and curing fish, within the limits designated by our instructions as a 'sine qua non' the liberty of fishing on the coasts of the Magdalen Islands, and of the western coast of Newfoundland, and the privilege of entering for shelter, wood and water, in all the British harbours of North America. Both were suggested as important to our fishermen in the communications on that subject, which were transmitted to us with our instructions. To the exception of the exclusive rights of the Hudson Bay Company, we did not object, as it was virtually implied in the Treaty of 1783, and we had never, any more than the British subjects, enjoyed any right there, the Charter of that Company having been granted in the year 1670. The exception applies only to the coasts and their harbours, and does not affect the right of fishing in Hudson Bay beyond three miles from shore, a right which could not exclusively belong to, or be granted by any nation."

THE Treaty arrangement to which this refers is contained in Article I of the Treaty of 1818, which measures the rights of United States fishermen on the coasts, bays, harbours and creeks of the British possessions in America. That Article, after referring to the difficulties which had arisen respecting the liberty claimed, proceeds to specify the rights and liberties of United States citizens in British waters, among which is the liberty to take fish in common with British subjects in certain areas, "and also on the coasts, bays, harbours and creeks from Mount Joly, on the southern coast of Labrador, to and through the Strait of Belleisle, and thence northwardly indefinitely along the coast, without prejudice, however, to any of the exclusive rights of the Hudson Bay Company."

It is submitted that the Hudson Bay Company had no exclusive rights at that time in this region other than those conveyed by the Charter of King Charles II, dated 1670, and it was these rights the British negotiators succeeded in safeguarding by the specific reservation that they were not to be prejudicially affected by the exercise of the rights, in common with British subjects, which that Treaty secured to United States citizens elsewhere.

HENCE it seems that this solemn treaty arrangement not only constituted a complete vindication and reassertion of the Charter of Charles II, on the part of Great Britain, but as well, a complete acquiescence in such a claim, and specific recognition of sovereignty over "all those seas, . . . in whatsoever latitude they shall be, . . . and the confines of the seas," contemplated by the Charter, on the part of the United States negotiators, whose duty it was to effect an instrument in this particular connection, binding upon both nations.

TO this exception, said Messrs. Gallatin & Rush, they did not object, because they never as a nation enjoyed any right there any more than any body else other than the Company, as grantees under the Charter of 1670.

THE undersigned submits that this is a specific and significant admission that the Charter was at that time the controlling factor in the measurement of rights capable of being exercised in Hudson Bay. Otherwise the language of the negotiators can have no significance.

MESSRS. Gallatin & Rush, however, proceed to explain as a further reason for their nonobjection to the reservation in set terms, that the exception applies only to the coasts and their harbours, and does not affect the right of fishing in Hudson Bay beyond three miles from the shores, a right which could not belong to or be granted by any nation.

WHILE this view takes the form of an assertion of fact, it is properly to be regarded, the undersigned contends, as merely an expression of opinion, wholly unwarranted by any possible interpretation or construction that the language of the Charter is capable of. It is submitted that it is not possible to read into the terms of the Charter any suggestion that it could be construed as limiting its meaning or application in any degree where it essays to yield to the Company the exclusiveness of the sovereign rights over Hudson Bay it undoubtedly intended to convey, and no suggestion nor contemplation of a three mile limit seems to be admissible.

MOREOVER, the exception involved in the Treaty of 1818, apparently cannot fall short of the scope of the instrument from which it took its birth, and the fact that such exception was acquiesced in by the negotiators, must, it is considered, preclude the contention sought to be raised after the event.

AS to the right of any nation or sovereign to grant such a Charter as that of Charles II is held to be, the undersigned believes it has been shown that that right was successfully asserted and has since been reasserted by the recognition and continuation of the Charter, and the time for its denial by the United States treaty makers was prior and not subsequent to the agreement of the terms of the Convention of 1818, which are still binding in this regard.

TOUCHING His Lordship's reference to the representations which may be expected from the United States Government, in view of the long period during which their vessels have whaled without interference in Hudson Bay, it may be said that according to Dr. King's Report upon the Title of Canada to the islands north of the mainland of the Dominion, 1905, the occupation of Hudson Bay is said to have been as follows:

BRITISH. A company of Dundee, Scotland, has a station for whaling and walrus hunting on Southampton Island and Repulse Bay.

THE Hudson Bay Company had a small vessel whaling in Roes Welcome from 1894 to 1896 (inclusive).

UNITED STATES. Forty or forty-five years ago a number of United States vessels, chiefly from Massachusetts and Connecticut, cruised for whales in Roes Welcome and Repulse Bay, and usually wintered at Marble Head, Depot Island, Whale Point or Repulse Bay. During the past thirty years the number has steadily decreased. In 1902 there were only two United States schooners in Hudson Bay. Up to 1890, alien vessels wintered at Marble Head, and are supposed to have wintered at a later date in Repulse Bay. The whalers now winter from place to place with the Esquimaux. From 1903 to 1905 there were only two United States whalers in Hudson Bay, who winter at Cape Fullerton.

ACCORDING to Commander A P Low, who commanded an expedition in 1904, a company of Dundee, Scotland, has a station for whaling and walrus hunting on Southampton Island and at Repulse Bay.

THE Hudson Bay Company had a small vessel whaling in Roes Welcome from 1894 to 1896 inclusive. From 1903 to 1905 there has been only one United States Whaler in Hudson Bay, who winters at Cape Fullerton.

THE first sedentary whaling station was established by Penny, – an English whaling captain, – in Cumberland Sound, as far back as 1840.

POND Inlet has been frequented by Scotch Whalers. Ketch Albert (Scotch), was the first whaler to winter in the Inlet. He [sic] wintered there for the first time in 1903, 1904.

IN 1903 the Dominion Government granted Robert Kennis (Kinnes), Dundee, a location for the mining of mica on the north side of Hudson Strait, at Lake Harbour. Thirteen tons of mica were exported in 1904.¹⁶²

THE answer to such a contention would be that as long ago as 1670, when King Charles II granted the Charter of these rights in Hudson Bay, the sovereign claim to such was specifically and solemnly asserted; that up to the present time this claim has never been successfully assailed or traversed, except to the extent it may have been affected by the unsuccessful wars with France for the possession of this water property, towards the end of the seventeenth century, the significance of which, if any, was nullified by the subsequent reassertion of the Charter by Royal and Parliamentary sanction, and the Treaty of Utrecht, that since that time, neither Great Britain nor Canada has either expressly or by implication relinquished the same; and that it is impossible to admit that the fact of certain whaling operations having been carried on from early times in these remote and unorganized districts can be held to constitute an abandonment by the nation of sovereign rights, merely because of the absence at the time of that organized authority for formal administration of the laws, which came only as the degree of development obtaining made [it] expedient and practicable.

AS well might an attempt be made to substantiate a claim to those portions of the shores of Hudson Bay now embraced within the limits of the Districts of Keewatin and Ungava, which have been unwarrantably utilized and occupied by foreign operators in connection with their expeditions, and upon which they may have wintered during their long voyages.

IT is to be remembered that this remote region has come into existence as organized Districts, under Provisional Government, only quite recently, and the resources and demands of the Government did not tend towards any immediate development of these outlying territories in the early years referred to. But formally authorized Government expeditions, preparatory to and for purposes of organization for the enforcement of laws, were conducted in 1884, 1885, 1886, by Captain Gordon; in 1897, by Commander Wakeham; in 1904 by Commander Low and Captain Bernier; in 1904 by Major Moodie, and in 1906, by Captain Bernier and Major Moodie.

¹⁶² See Voir LAC BAC, RG 85, vol. 1737, file dossier 20075.

IN the light of the conditions and circumstances, it would be idle to dwell upon the implied recognition of any contention by the United States Government, simply because Great Britain or Canada had abstained, up to the present time, from active interference with desultory exploitation by foreigners. No such significance can be imputed to Canada's want of equipment in the past, for the remedy of which she is now providing means.

THE undersigned recommends that a copy of this Report, if approved, be forwarded to the right Honourable the Principal Secretary of State for the Colonies for the information of His Majesty's Government.¹⁶³

Respectfully submitted,

L.P. Brodeur
Minister of Marine and Fisheries.

172.
Despatch from Secretary of State for the Colonies to Governor General
Dépêche du secrétaire d'État aux Colonies au gouverneur général
LAC/ BAC, RG 7 G-21, vol. 169, file/ dossier 296

Downing Street,
3 April, 1907.

Confidential

My Lord,

I have the honour to remind Your Excellency that I have not received any reply to the latter part of my telegram of the 24th of July 1906 on the subject of the claim of the Dominion Government that Hudson's Bay is within the territorial waters of Canada. I shall be glad to receive the observations of your Ministers on this matter as soon as possible.

I have the honour to be,
My Lord,
Your Lordship's most obedient
humble servant,
Elgin

Governor-General His Excellency
The Right Honourable Earl Grey, G.C.M.G.
&c., &c., &c.

¹⁶³ Approved on 15 April 1907 by Order-in-Council 1906-1111M. Approuvé le 15 avril 1907 par le décret du Conseil 1906-1111M.

173.

Despatch from Governor General to Secretary of State for the Colonies

Dépêche du gouverneur général au secrétaire d'Etat aux Colonies

TNA, CO 42/912

Government House, Ottawa.

22nd April, 1907.

Secret.

My Lord.

In reply to Your Lordship's cypher message of the 24th July 1906, asking that you might be furnished with a report embodying in detail the grounds upon which my responsible advisers rely to establish the British status of Hudson's Bay, I have the honour to enclose copy of an approved Minute¹⁶⁴ of the Privy Council, submitting such a report prepared by the Minister of Marine and Fisheries.

I have the honour to be,

My Lord,

Your Lordship's most obedient
humble servant,

Grey

The Right Honourable The Earl of Elgin, K.G.,

&c., &c., &c.

Minutes/ NotesM^r Cox

I am sending on these pp at once, as you may wish to refer to this matter in your interview with M^r Brodeur tomorrow.¹⁶⁵

The Minister of Marine's Report will require most careful consideration

H.F. B[atterbee] 3 May

The only new information added [] is an interpretation of the O in C of 1895 which is plausible and I think sufficient answer to any argument as to its being a *mare liberum*. When we discussed this with M. Brodeur he expressed the hope that as the U.S. has not yet protested against the Act, they may perhaps never protest. We had perhaps better give them six months longer before sanctioning the Act.

? Copy to F.O. saying that if no protest is rec'd from U.S. before end of year S[ecretary] [of] S[tate] proposes to allow the Act.

G.W. J[ohnson] 1 June

Sir F. Hopwood

So proceed. It may be safer to do as proposed but I don't think it w^o much matter if we allowed it at once.

¹⁶⁴ Order-in-Council/ Décret du Conseil 1906-1111M.

¹⁶⁵ Both Laurier and Brodeur were in London following the Colonial Conference. Laurier et Brodeur se trouvaient tous deux à Londres après la Conférence coloniale.

M Brodeur in talking to me laid stress on the fact that the US had recognised the exclusive rights of the Hudson's Bay Co.

H.B. C[ox] 3/6

F.J.S. H[opwood] 3.6

W.S. C[hurchill] 4.6

E[lgin] 6.6.

174.

Letter from Assistant Under-Secretary of State for the Colonies to Under-Secretary of State for Foreign Affairs

Lettre du sous-secrétaire d'État adjoint aux Colonies au sous-secrétaire d'État aux Affaires étrangères

TNA, FO 371/388

Downing Street,
7 June, 1907.

15615/1907

Sir,

With reference to the letter from this Office of the 19th of July 1906, I am directed by the Earl of Elgin to transmit to you, for the consideration of Secretary Sir E. Grey, copy of a despatch¹⁶⁶ from the Governor-General of Canada on the subject of the claim of the Dominion Government that the waters of Hudson's Bay are territorial waters of Canada.

2. Lord Elgin proposes with Sir E. Grey's concurrence unless a protest is received from the United States Government before the end of this year, to intimate to His Excellency that His Majesty will not be advised to disallow the Canadian Act 6 Edward VII c.13 a copy of which was enclosed in the letter† from this Office of the 4th of September 1906.

3. With reference to paragraph 14 of the letter from this Office of the 19th of July 1906, I am to invite attention to the correspondence between this office and the Foreign Office in 1871 noted in the margin,¹⁶⁷ from which it will appear that the Government of the United States did not consider that the term fish in the Treaty of Washington included seals.¹⁶⁸ It would therefore appear impossible for the United States Government to argue that [the term] fish includes whales.

I am, Sir,

Your most obedient servant,

H. Bertram Cox

The Under Secretary of State [Sir Charles Hardinge],
Foreign Office.

¹⁶⁶ Doc. 173.

¹⁶⁷ Marginal note:/ Note marginale :

C.O. 30 June 1871, C.O. 3 July 1871, F.O. 3 July 1871, C.O. 19 Aug 1871, F.O. 14 Oct 1871

¹⁶⁸ Marginal note:/ Note marginale :

i.e. when it was proposed that the produce of Newfoundland seal fishery should be admitted into the U.S. free of duty they said that the proposal needed Congressional approval. This in spite of the fact that fish oil and fish were admitted already under the Treaty of Washington (see also L.O. to C.O. June 8, 1871) [Author unknown/ Auteur inconnu]

Minutes/ Notes

According to the usual rule of international law no bays are treated as within the territorial jurisdiction of a State which are more than 6 miles wide on a straight line measured from one headland to another. It has been the practice of H.M.G. however, to hold that this rule does not apply to U.S. citizens fishing in British North American waters, because by Art. I of the Treaty of 1818 the U.S. renounced the right to take fish within 3 miles of any of the Coasts or Bays of H.B.M.'s dominions in America not included within certain specified limits. Therefore the 3 miles must be calculated from (a line joining) the headlands at the entrance of the Bays, and as Hudson Bay is not within the limits specified in the Treaty, U.S. fishermen, according to the British contention, are excluded from fishing within that Bay.

There is however a further consideration. The Americans hold that seals are not fish, consequently whales are a fortiori not fish and the argument set forth above does not apply to American whalers, who would by international law be allowed to prosecute their industry anywhere in the Bay not within the 3 mile limit. The Canadian claim to exclude whalers is based on long tradition sanctioned by many Treaties which seem to give actual possession of the "Bay and Streights of Hudson" to H.M.G. (see printed Canadian statement¹⁷⁰ page 3) and on the same article of the Treaty of 1818, which alludes to the "exclusive rights of the Hudson's Bay Company". They make a pretty good case, arguing on these lines.

On the other hand it must be remembered that the American Gov^t have never admitted our interpretation of the Article of the Treaty of 1818, basing their argument on the ordinary rule of international law, and would probably object all the more to its application to American fishermen in a Bay which is half the size of the Mediterranean. They may also be expected [to] object to the exclusion of whalers or sealers, who are not affected by the renunciation.

The C.O. now propose to wait until the end of this year and if no protest is received from the American Gov^t by that time to intimate to the Governor General of Canada that the Act will not be disallowed. It was passed last July and is believed to be in force now. No protest has yet been received. The C.O. do not know whether as a fact the license fee of \$50 has been paid by any American whaler. I have also ascertained that they consider that if the American Gov^t complain, they ought to be told to bring a Test action in the Canadian Courts.

Mr. Hurst for opinion.

P. S[omers] C[ocks]

I should like to know whether there is any Library memorandum on this subject and to have some observation on the validity of the claim of Canada as based on the Treaties to treat Hudson Bay as a mare clausum. See report of Feb. [25] annexed.

L. M[allet]

See separate mem.¹⁷⁰

G. de B[ernhardt] 19.vi.07.

¹⁷⁰ A printed copy of Brodeur's 25 February memo was sent with Grey's 22 April despatch. Une copie imprimée du mémoire du 25 février de Brodeur a été envoyée avec la dépêche du 22 avril de Grey.

¹⁷⁰ This comment refers to the memo by de Bernhardt, a typed copy of which was inserted among the handwritten minutes. Ce commentaire se rapporte à la note de Gaston de Bernhardt dont une copie dactylographiée a été insérée dans les notes manuscrites.

HUDSON'S BAY.

In 1670 Charles II granted a Charter to the Hudson's Bay Company, by which he assigned to them all the lands upon the seas &c. "within the entrance to Hudson's Strait" together "with the fishing of all sorts of fish, whales, sturgeons, and all other royal fishes in the seas, bays, inlets and rivers, and the fish therein taken, together with the royalty of the sea upon the coasts within the limits aforesaid."

During the wars of the 17th century the French obtained possession of part of Hudson's Bay, which was confirmed to them by the Treaty of Ryswick of 1697; but the whole of the Bay was restored to Great Britain by the Treaty of Utrecht of 1713.

By the "Rupert's Land Act 1868" (31 and 32 Vic. cap. 105) the possessions of the Hudson's Bay Company, which had been granted to them by the Letters Patent of Charles II, were transferred to the British Crown and annexed to the Dominion of Canada.

Article III of the Treaty of Amity, Commerce and Navigation between this country and the United States of November 19, 1794¹⁷¹ provides that: "it shall at all times be free to His Majesty's subjects and to the citizens of the United States, and also to the Indians dwelling on either side of the said Boundary Line, freely to pass and repass, by land or inland navigation into the respective Territories and Countries of the two Parties on the Continent of America, (the country within the limits of the Hudson's Bay Company only excepted), and to navigate all the Lakes, Rivers and Waters thereof".

Article 1 of the Convention between Great Britain and the United States of October 20, 1818 enacts that: "the Inhabitants of the said United States shall have, for ever, in common with the subjects of His Britannick Majesty, the liberty to take fish of every kind on that part of the Southern Coast of Newfoundland &c. &c. without prejudice, however, to any of the exclusive rights of the Hudson's Bay Company".

F.O.

June 19, 1907.

G. de B[ernhardt]

The Library memo is a mere summary of the report of Feb. [25], and makes no observations & throws no light on the subject.

I should like to have M^l Kenricks observations on the main argument of the report ie whether in his view the Canadian contention based on the Charter, the Treaty of Utrecht &c could be successfully maintained.

A test action in the Canadian Courts would seem to be the first step.

L. M[allet]

After careful consideration of this matter which raises questions of considerable magnitude, and of more than usual importance, I have come to the conclusion that in the event of protest by the United States it would be very difficult, consistently with the accepted principles of International Law, for H.M.G. to justify the position taken up by the Canadian Gov^t, which by Act of the Dominion Parliament declares Hudson Bay to be "wholly territorial water of Canada", and seeks to impose an annual licence fee on all whalers in Hudson Bay.

¹⁷¹ Jay's Treaty; see' voir David Hunter Miller, ed., *Treaties and Other International Acts of the United States of America*, vol. 2 (Washington: Government Printing Office, 1931), doc. 16.

The Canadian claim, as, indeed, is frankly stated by the Minister of Marine & Fisheries in his Report "to the Governor General in Council," is based on the assumption that the territorial ownership of Hudson Bay and Strait is vested in the Crown of Great Britain and the alleged recognition of this territorial sovereignty by the U.S. in the Treaty of 1818.

The title, it is argued, rests initially on discovery by British navigators (dating from 1610), coupled with the alleged fact that there has been no opposing occupation by any other state.

By the Charter granted in 1670 by Charles II to the Hudson Bay Company, "a territory then known as "Rupert's Land" was granted to the Company "in free and common socage" (the equivalent of which in modern times is freehold tenure). In this grant the Charter purported to comprise "all the countries coasts and confines of the seas, bays, lakes, rivers, creeks, & [s]ounds that lie within the entrance of the strait commonly called Hudson Strait" "with the fishing of all sorts of fish together with the royalty of the sea upon the coasts within the limits aforesaid".

Referring to this Charter the Canadian Minister says: "But the claim to the territorial character of Hudson Bay has not to rely upon a search for precedent or acquiescence. It stands upon a much more effective base—that of an early assertion of sovereignty which has not been successfully assailed if even attempted or seriously traversed. The Charter to Hudson Bay Coy granted by King Charles II in 1670 assumed complete sovereignty over both Hudson Strait and Bay. The rights conveyed by this Charter were most comprehensive and complete, and it could not have proceeded except on the assumption of unlimited power based on sovereign rights".

Upon this I would observe that, bearing in mind the claims to territorial sovereignty over portions of the open seas which at this period, and later, were continually asserted by various states, based upon the then familiar, but now exploded, doctrine of "Mare clausum", it seems to me that an International Arbitral Tribunal would not be disposed to attach great importance to an argument founded on this Charter in so far as the Charter affected to convey to the Company territorial rights over the great sea known as Hudson's Bay, which at the time of the grant obviously never had been, nor indeed was capable of being, brought under the effective and exclusive occupation of Great Britain. It is only necessary to recall the historic instances that in 1636 England actually required the Dutch to take out English licences before being permitted to fish in the German Ocean, that in 1674 (four years after the Charter in question) the Treaty of Westminster "recognized that the British seas extended from Cape Finisterre to Stadland in Norway, that in 1780 Denmark claimed the Baltic Sea as "étant une mer fermée incontestablement telle par sa situation locale" (De Martens, Rec. III, 175, Hall, Int. Law 5th ed., pp. 145, 6) to be aware that such claims were by no means unusual during the 17th and 18th centuries. That such wide claims to proprietary rights over the seas have in modern times been abandoned

¹⁷² Doc. 171.

¹⁷³ Frances G. Davenport, ed., *European Treaties Bearing on the History of the United States and Its Dependencies*, vol. 2, 1650-1697 (Washington, DC: Carnegie Institution, 1929), doc. 169.

¹⁷⁴ M. [Georg Friedrich] de [von] Martens, *Recueil des lois, traités, traités, déclarations, déclarations, de neutralité, de commerce, de limites, d'échange, etc., conclus par les puissances de l'Europe tant entre elles qu'avec les puissances et Etats dans d'autres parties du monde, depuis 1761 jusqu'à présent*, tome III: 1787-1790, Göttingen, Jean Chrétien Dieterich, 1791.

¹⁷⁵ William Edward Hall, *A Treatise on International Law*, 5th edn, ed. by J.B. Atiy, (Oxford: Clarendon, 1904).

as untenable is evidenced by subsequent history culminating in the Behring Sea Arbitration of 1893.¹⁷⁶

It seems to me, then, that the Charter of 1670, notwithstanding the Canadian contention, can only be considered as an effective title to the belt of "territorial waters" adjoining the coasts of Hudson Bay and Strait, as the expression is now understood from well-established international usage. If this be so, it follows that the arguments are fallacious which are based on the Treaty of Neutrality 1686, under which the Kings of England and France respectively were to hold domain in seas, straits, and other waters of America to the extent which of right belonged to them, the Treaty of Ryswick 1697, which restored to England & France respectively whatever had been taken from each during the war, and the Treaty of Utrecht 1713, (Art X) which affected to restore to Great Britain "the Bay and Streights of Hudson together with all lands, seas, etc., which belong thereunto".

As to the construction of Article X of the Treaty of Utrecht, the Canadian argument, shortly stated, is that the two nations France and England had previously been contesting by arms and diplomacy the sovereignty over the waters of Hudson Bay to which both laid claim, and that the Treaty of Utrecht is an agreement by which France restored such sovereignty to England. In my opinion England acquired under that Treaty (and could only acquire at any rate as against any state other than France) the recognition by France of all territorial rights which had previously belonged to England in respect of the territory in dispute, and, in particular the rights which had previously been vested in the Hudson Bay Company under its Charter of 1670, i.e., in my view the sovereignty over certain territory and its attendant territorial waters. It seems, moreover, obvious that the Treaty could be operative in its effect only as between Great Britain and France, the contracting parties, and that the United States when they subsequently became an independent nation, were, and still are, free to raise any questions as to the proper construction of that Treaty and the derivative rights which may involve their own national interests.

The Convention of 1818 between Great Britain and the United States (Article I) in conceding to the subjects of the two nations the liberty of fishing on certain coasts expressly preserves "the exclusive rights of the Hudson Bay Company". This Convention, according to the Canadian Minister, involves the assumption of the territorial ownership of Hudson Bay and Straits, and it has been argued¹⁷⁷ that since this is a recognition that the Company possessed certain exclusive rights "it is probably not open to the United States to question the validity of the Charter as was frequently done by the British subjects during the 200 years of its existence".

With all deference, it seems to me that the fact of the Convention purporting to preserve the exclusive rights of the Hudson Bay Company will in no way preclude the United States from contesting the actual extent of those exclusive rights. Moreover, such contention by the United States would be logically and legally consistent with the assertion of Messrs. Gallatin and Rush (the negotiators on behalf of the U.S. of the Convention) in their letter of 20th Oct. 1818 with regard to the exception of the exclusive rights of the Hudson Bay Co. that "the exception applies only to the coasts and their harbours, and does not affect the right of fishing in Hudson Bay beyond three miles from the shores, a right which could not

¹⁷⁶ "Award between the United States and the United Kingdom relating to the rights of jurisdiction of United States in the Bering's sea and the preservation of fur seals: Decision of 15 August 1893"/ « Sentence entre les États-Unis et le Royaume-Uni relative aux droits de juridiction des États-Unis dans les eaux de la mer de Behring et à la préservation des phoques à fourrure. Decision du 15 août 1893 », *Reports of International Arbitral Awards/ Recueil des sentences arbitrales*, vol. 28.

¹⁷⁷ Marginal note:/ Note marginale :

[S]ee letter [...] from The Under Sec of State Colonial Office 19 July 1906. [G.H.B. Kenrick]

exclusively belong to or be granted by any nation." With this view I entirely concur as being based on a well recognized principle of International Law.

In this connection, also, it seems to me that considerable weight must be attached to the fact that, admittedly, Hudson Bay has been resorted to and used by United States whalers since at least the year 1861, and this without any opposition or protest by Great Britain or Canada. This in itself, it appears to me, would tend to refute the argument as to acquiescence on the part of the United States, and would preclude the Canadian government from the effective assertion of any prescriptive right.

As regards the physical or geographical aspect of the question, Hudson Bay, it is said, is not the open sea, but is a landlocked bay lying wholly within the body of the territory of one nation, and has for its entrance "a narrow strait from the ocean." On reference to the "Imperial Gazetteer" I find Hudson's Bay described as "an extensive bay, or rather inland sea, length N. to S. about 800 m.; greatest breadth about 600 m.; area 296,000 sq. m. Hudson's Strait, which is its N.E. continuation, itself a sea 460 m. long and 100 m. broad, connects it with the N. Atlantic".¹⁷⁸

The entrance to Hudson Strait from the ocean at Hatton Headland across to Cape Chidley is said in the Canadian Report to be thirty miles wide. Judging from the atlas by scale it appears to be of considerably greater width. But taking the width to be thirty miles, there is, so far as I am aware, no instance whatever in modern times of the recognition by International Law of territorial sovereignty (with its consequent proprietary rights) over a portion of the sea approached by straits of so wide an entrance. "the Strait itself a sea 460 miles long and 100 miles broad".

It is true that the United States have claimed, and may probably still claim territorial sovereignty over Delaware Bay, Chesapeake Bay and other inlets, but none of these can compare in magnitude or configuration with Hudson Bay and Strait. In discussing these claims M. W. F. Hall says: "Many claims to gulfs and bays still find their place in the books, but there is nothing to show what proportion of these are more than nominally alive" (see Hall, *Int. Law*, 5th ed., p. 156). The same authority writes: "England would, no doubt, not attempt any longer to assert a right of property over the 'Queen's Chambers' which include the waters within lines drawn from headland to headland." Though Great Britain has, indeed, in recent years asserted and exercised jurisdiction over Conception Bay, Newfoundland, which rises about 40 miles inland and has an average width of 15 miles. This jurisdiction was recognized in the decision of the Privy Council in the case of the *Direct United States Cable Co. v. Anglo-American Telegraph Co.* (1877 L.R. 2, Ap. Cas. 394) which was based on the fact of the exclusive occupation of the Bay for a long period by Great Britain & the acquiescence by other nations in this exercise of dominion.

Both Vattel and Bluntschli, as the Canadian Report admits, refer to Hudson Bay as enclosed water which cannot be regarded as a 'mare clausum' and this view was quoted by the United States Government in their case against Russia in the Behring Sea Claims. With reference to Vattel's opinion I may here observe that in the case I have mentioned above (*Direct U.S. Cable Co. v. Anglo-Am. Tel. Co.*) the Counsel for the respondent Benjamin QC, and Horace Davey QC, in argument made a statement which though not quoted in the Canadian Report might assist the Canadian contention. They argue thus: "But nothing can be more vague & inconsistent than the dicta which have been relied on in favour of some limitation of the extent of territorial Bays. Vattel (Bk I c. 23) makes the test the facility of

¹⁷⁸ Walter Graham Blackie, *The Imperial Gazetteer: A General Dictionary of Geography, History, Political, Statistical, and Descriptive*, vol. 2 (London: Blackie & Son, n.d.), p. 1242.

¹⁷⁹ Law Reports, Appeal Cases.

occupation, which is vague enough; and his only illustration of a Bay which is not a territorial Bay is that of Hudson's Bay — an unfortunate illustration since the Hudson Bay Coy not only held a grant from the Crown of England of the exclusive right of navigation in that Bay, but they exercised it until Rupert's Land was transferred to the Dominion of Canada" (L.R. 2 Ap Cas at p. 407). This, of course, is merely an obiter dictum and begs the whole question. My view as to the legal effect of the Charter I have already indicated.

In announcing the judgment of the Privy Council in the same case Lord Blackburn said (ibid., at p 420)[: "It does not appear to their Lordships that jurists and text-book writers are agreed what are the rules as to dimensions and configuration, which apart from other considerations, would lead to the conclusion that a Bay is or is not part of the territory of the state possessing the adjacent coasts, and it has never, that they can find, been made the ground of any judicial determination".

There appears, however, to be a remarkable unanimity among International jurists on the general principle. Wheaton (Int. Law 4th ed.¹⁸⁰ p. 292) states that by the generally approved usage of nations which forms the basis of International Law, the maritime territory of every State extends to Bays inclosed by headlands belonging to the same state to the distance of a marine league or as far as a cannon shot will reach from the shore along all the coasts of the state, and to the straits and sounds bounded on both sides by territory of the same state so narrow as to be commanded by cannon shot from both shores (See also Wharton, Vol. I¹⁸¹ §27, 28; Phillimore, Vol I¹⁸² §189-206; Halleck, Vol I¹⁸³ pp 165-170; Vattel, §291; Bluntschli §309, 310; Heffter,¹⁸⁴ §76). Or, putting their proposition in negative form, as a modern writer in reviewing the subject asserts: "Gulfs and Bays surrounded by the land of one and the same riparian state whose entrance is so wide that it cannot be commanded by coast batteries are not territorial: They are parts of the open sea, the marginal belt inside the gulfs and bays excepted. They can never be appropriated" (Oppenheim, Int. Law Vol I¹⁸⁵ p. 247).

The argument based on the extension of the range of modern guns has frequently, as is well known, been advanced as a ground for extending the recognized limits of maritime jurisdiction. As yet, however, this familiar argument has found no place in International Law (see Institut de Droit International, Annuaire¹⁸⁶ 1894-5 Vol XIII p 329; Rivier, Principes du Droit des Gens Vol. I¹⁸⁷ p 145; Bluntschli §302). And the claim by Spain to a maritime jurisdiction of six miles has been rejected by the United States and Great Britain (see Moore, Digest of Int. Law Vol. I¹⁸⁸ pp. 706-714).

¹⁸⁰ Henry Wheaton, *Elements of International Law, Fourth English Edition, Bringing the Work down to the present Time*, by J. Beresford Atlay, M.A. (London: Stevens and Sons, 1904).

¹⁸¹ Francis Wharton, *A Digest of the International Law of the United States*, vol. I (Washington: Government Printing Office, 1886).

¹⁸² Robert Phillimore, *Commentaries upon International Law*, 3rd edn, vol. I (London: Butterworths, 1879).

¹⁸³ [Henry Wagner Halleck,] *Halleck's International Law or Rules Regulating the Intercourse of States in Peace and War ... thoroughly revised and in many parts rewritten by Sir Sherston Baker, Bart.*, vol. I (London: Kegan Paul, Trench, Trübner, 1893). The section on territorial waters is in fact on pp 157-170./ La section sur les eaux territoriales se trouve en fait aux pages 157-170.

¹⁸⁴ A.G. Heffter, *Le droit international de l'Europe*, Paris, A. Cotillion, 1883.

¹⁸⁵ L. Oppenheim, *International Law: A Treatise*, vol. I (London: Longmans, Green, 1905)

¹⁸⁶ *Annuaire de l'Institut de droit international*.

¹⁸⁷ Alphonse Rivier, *Principes du droit des gens*, tome premier, Paris, Arthur Rousseau, 1896.

¹⁸⁸ John Bassett Moore, *A Digest of International Law*, 7 vols. (Washington, DC: Government Printing Office, 1906).

In view of the foregoing considerations – and I have only touched on the main and not on the subsidiary questions involved – it appears to me that the Canadian contention cannot legally be supported. As to the suggestion of a test action in the Canadian Courts, I do not suppose that the Government of the United States, when attention has become directed to the issues involved, would accept any decision of such tribunal.

Having regard to the magnitude of the interests involved it would be advisable to submit these papers to the Law Officers.

G.H.B. K[enrick] 26 6 1907

I think that we & not the Col. Office should refer this question to the Law Officers without delay. If they report in the sense of M^r Kenrick's very able minute which appears to me to be a convincing argument against the Canadian contentions, I do not see how we can possibly agree to the proposal of the Colonial Office not to disallow the Act unless a protest is received from the United States Government. In modern times, we have consistently maintained a position exactly contrary to that taken up by Canada & we have strongly upheld our view in the case of the Moray Firth⁸⁹ and in a recent controversy with the Portuguese Govt.¹⁹⁰

Some resentment will doubtless be caused in Canada by disallowing the Act but it would be far better in my opinion to face such a difficulty now than to wait until the U.S. protested & then give way.

Perhaps as Sir W. Laurier will be in London on Monday & is likely to stay here for about a fortnight, the question might be discussed with him & his mind prepared for our answer.

L. M[allet]

A very admirable minute by M^r Kenrick. Refer to L.O. for opinion.

C. H[arding]

Refer to the Law Officers: if they confirm Mr. Kenrick's minute, which seems to me to be sound, we cannot commit ourselves to the Canadian Act.

E. G[rey]

I have spoken to Sir Edward Grey since these minutes were written and he agrees to our first addressing the Colonial Office in the sense of M^r Kenrick's minute, before referring to the L.O. Please prepare a draft.

L. M[allet]

Since the above minutes were written, I hear privately from the Colonial Office that it is quite out of the question to "disallow" the Act. It is therefore a question for the Cabinet.

L. M[allet]

⁸⁹ See Voir Charles Noble Gregory, "The Recent Controversy as to the British Jurisdiction over Foreign Fishermen More than Three Miles from Shore: *Mortensen v. Peters*," *American Political Science Review*, vol. 1, no. 3 (May 1907), pp. 410-437.

¹⁹⁰ See Voir Thomas Wemyss Fulton, *The Sovereignty of the Sea* (Edinburgh and London: Blackwood, 1911), pp. 666-667.

175.

Letter from Commander, Canadian Government Expedition, to Minister of Marine and Fisheries

Lettre du commandant, expédition du gouvernement du Canada, au ministre de la Marine et des Pêcheries

LAC/BAC, RG 42, vol. 142, file/ dossier 27330

Albert Harbour 22 July 1907

The Honorable Minister Marine & Fisheries [Louis-Philippe Brodeur]
Ottawa

Dear Sir

Having had no letter from the Dept. of Marine and [F]isheries I beg to advice you that the steamer wintered here at Albert harbour safe, and that during the winter month of February Frederick Brokenhauser oiler onboard died from Natural cause and was buried on Baffin Land and a suitable place fixed for him in a shelter place near the harbour and that now on this day the 22 July all hands are well. We Leave for Jones Sound to annex some new lands Surveyed by Capt Sverd[rup] which is part of Ellesmere Land, King Oscar land and others in the same direction. [A]s I informed you in my last Letter by steamer Eclipse ice permitting has [sic] I failed Last year to annex Prince [W]ales island We may go that way, if possible.¹⁹¹ If not we wil[l] go down Prince Regent strait toward Fury and Hecla strait and home to Port Burwell by the 20th [S]eptember by Fox channel. If not possible to go beyo[nd] Jones sound We will return by the East side along Greenland to Cumberland gulf Keekerton and Blaclead and Port Burwell to received our mail and what you may have sent us. The imformation I received from the nati[ves] o[f] Fury and Hecla strait and Igloodick rather induce[s] me to add to our Knowledge and benefit that part of our coast which has never been seen And return to Hudson Bay that way and be at the at the [sic] appointed time at the strait of Hudson Bay in time.

We have onboard about 1 year stores and 270 tons coal and with carefull administration will do to return home. We would have been pleased to received our mail and your last instructions after our year work. It is our duty to take every chance that we can here for they are scarce, and time short. We have today issued 11 Licenses to Whal[ers] and now only remains Capt Robertso[n,] Scotia for 1906 and 1907 Licences.

Capt Coony steamer [W]indward for 1906 – he having Lost his ship on the Carey islands on 25 Juin last and the crew took refuge on the steamer Morning which will return to Dundee in the fa[ll.] The ice in Pond inlet is allmost rotte[n] and we will try to go along the openings. We are doing our uttmos[t] to be a credit to the Country and some things we done for ourselve[s.]¹⁹²

I remains dear Sir
your humble servant

J.E. Bernier
Commander

¹⁹¹ This information was not in fact in Bernier's letter of 29 September. En fait, cette information ne se trouvait pas dans la lettre de Bernier du 29 septembre.

¹⁹² The right-hand edge is damaged on both pages of this document. Missing letters have been inserted in square brackets. La bordure droite est endommagée sur les deux pages de ce document. Les lettres manquantes ont été insérées entre crochets.

176.

Letter from Commissioner of Northwest Territories to Samuel Hume Blake
 Lettre du commissaire des Territoires du Nord-Ouest à Samuel Hume Blake
LAC/ BAC, RG 18, vol. 879
Copy/ Copie

[Ottawa,] 23rd July, 1907.

Dear Mr. Blake,

[...]

Our first effort in connection with Hudson Bay and Northern waters was to assert the jurisdiction of Canada. We succeeded earlier and easier than we expected, and there is not an American whaler in our waters at the present time. One is going up this year, but fortunately it is commanded by the Captain¹⁹³ of the first American ship from which Customs duties were demanded, and paid.

Then there are a few Scotch whalers working in Cumberland Sound, and the waters adjacent thereto, all of whom are willing to comply with the Canadian regulations.

[...]

The trading with the natives to their detriment, as referred to by Supt. Moodie, has I think been completely stopped so far as the American whalers are concerned. We shipped a lot of material to be traded, at a little over cost price, for anything they might have to dispose of, or in payment of labour they might furnish. The Canadian traders then stepped in and criticized the Police for cutting the business from them. This led us to discontinue sending in supplies, and I only protected myself before the Public Accounts Committee by being able to show that the furs we received from the natives were sold in the East, by public competition, at prices greater than the value of the goods that were given in exchange.

[...]

We are endeavouring to open a line of communication, through Chestertfield Inlet and Baker Lake, to Great Slave Lake, which will give us control, North and South, of the present unexplored territory.¹⁹⁴

[...]

Yours very truly,

[Frederick White]

The Hon. S.H. Blake, K.C.,
 Toronto, Ont.

¹⁹³ George Comer.

¹⁹⁴ See/ Voir LAC/ BAC, RG 18, vol. 364, file dossier 1909-18.

177.

Letter from Assistant Under-Secretary of State for Foreign Affairs to Under-Secretary of State for the Colonies

Lettre du sous-secrétaire d'État adjoint aux Affaires étrangères au sous-secrétaire d'État aux Colonies

TNA, CO 42/916

Foreign Office

July 23, 1907.

18809/07.

Sir:—

I am directed by Secretary Sir E. Grey to acknowledge the receipt of your letter 15615 of the 7th ultimo, forwarding a copy of a despatch from the Governor General of Canada on the subject of the claim of the Dominion Government that the whole of the waters of Hudson Bay are territorial waters of Canada, on the strength of which an Act was passed by the Canadian Parliament in July 1906, imposing a license fee of Fifty dollars a year on all vessels engaged in the whale fishery within those waters, whether such vessels belonged to Canada or to any British or foreign country. The Earl of Elgin proposes, unless a protest is received from the United States Government before the end of the current year, to intimate to His Excellency that His Majesty will not be advised to disallow this Act.

[...] ¹⁹⁵

Upon this I am to observe ¹⁹⁶ that, bearing in mind the claims to territorial sovereignty over portions of the open seas which [in the seventeenth century], and later, were continually asserted by various states, based upon the then familiar doctrine of "Mare Clausum", an International Arbitral Tribunal would not be disposed to attach great importance to an argument founded on [the Hudson's Bay Company] Charter in so far as the Charter affected to convey to the Company territorial rights over the great sea known as Hudson's Bay, which at the time of the grant obviously never had been, nor indeed was capable of being, brought under the effective and exclusive occupation of Great Britain. It is only necessary to recall the historic instances that in 1636 England actually required the Dutch to take out English licenses before being permitted to fish in the German Ocean, that in 1674 (four years after the Charter in question) the Treaty of Westminster recognized that the British seas extended from Cape Finisterre to Stadland in Norway, that in 1790 Denmark claimed the Baltic Sea as "étant une mer fermée incontestablement telle par sa situation locale" (De Martens, Recueil III 175; Hall, International Law 5th edition pp. 145, 6) to be aware that such claims were by no means unusual during the 17th and 18th centuries. That such wide claims to proprietary rights over the seas have in modern times been abandoned as untenable is evidenced by subsequent history culminating in the Behring Sea Arbitration of 1893.

It seems then, that the Charter of 1670, notwithstanding the Canadian contention, can only be considered as an effective title to the belt of "territorial waters" adjoining the coasts of Hudson Bay and Strait, as the expression is now understood from well-established international usage. If this be so, it follows that the arguments are fallacious which are based on the Treaty of Neutrality of 1686, [...] the Treaty of Ryswick of 1697.

¹⁹⁵ The omitted sections of the letter summarize the Canadian arguments. Les sections omises de la lettre résument les arguments canadiens.

¹⁹⁶ For full citations to the sources referenced in this letter, see Pour les références complètes des sources indiquées dans cette lettre, voir doc. 174, minute by/ note de G.H.B. Kenrick.

[] and the Treaty of Utrecht of 1713 []. In other words one party to [a] Treaty could not transfer to the other, rights which were not his to surrender.

As to the construction of Article X of the Treaty of Utrecht [], Sir E. Grey is of opinion that England acquired under that Treaty (and could only acquire at any rate as against any state other than France) the recognition by France of all territorial rights which had previously belonged to England in respect of the territory in dispute, and, in particular the rights which had previously been vested in the Hudson Bay Company under its Charter of 1670, i.e., the sovereignty over certain territory and its attendant territorial waters. It seems, moreover, obvious that the Treaty could be operative in its effect only as between Great Britain and France, the contracting parties, and that the United States when they subsequently became an independent nation, were, and still are, free to raise any questions as to the proper construction of that Treaty and the derivative rights which may involve their own national interests.

The Convention of 1818 between Great Britain and the United States (Article I) in conceding to the subjects of the two nations the liberty of fishing on certain coasts expressly preserves "the exclusive rights of the Hudson Bay Company" []. On the other hand it seems clear that the fact of the Convention purporting to preserve the exclusive rights of the Hudson Bay Company will in no way preclude the United States from contesting the actual extent of those exclusive rights. Moreover, such contention by the United States would be logically and legally consistent with the assertion of Messrs. Gallatin and Rush (the negotiators on behalf of the United States of the Convention) in their letter of 20th October 1818 with regard to the exception of the exclusive rights of the Hudson Bay Company that "the exception applies only to the coasts and their harbours, and does not affect the right of fishing in Hudson Bay beyond three miles from the shores, a right which could not exclusively belong to or be granted by any nation" In the opinion of the Secretary of State this assertion is based on a well recognized principle of International Law. In this connection, also, it seems that considerable weight must be attached to the fact that, admittedly, Hudson Bay has been resorted to and used by United States' whalers since at least the year 1861, and this without any opposition or protest by Great Britain or Canada. This in itself would tend to refute the argument as to acquiescence on the part of the United States, and would preclude the Canadian Government from the effective assertion of any prescriptive right.

As regards the physical or geographical aspect of the question [] On reference to the "Imperial Gazetteer" Hudson's Bay will be found to be described as "an extensive bay, or rather inland sea, length North to South about eight hundred miles, greatest breadth about six hundred miles; area two hundred and ninety six thousand square miles. Hudson's Strait, which is its North East continuation, itself a sea four hundred and sixty miles long and one hundred miles broad, connects it with the North Atlantic".

The entrance to Hudson Strait from the ocean at Hatton Headland across to Cape Chidley is said in the Canadian Report to be thirty miles wide. Judging from the maps in this Department it appears to be of considerably greater width. But taking the width to be thirty miles, there is, so far as Sir Edward Grey is aware, no instance whatever in modern times of the recognition by International Law of territorial sovereignty (with its consequent proprietary rights) over a portion of the sea approached by straits of so wide an entrance.

It is true that the United States have claimed, and may probably still claim territorial sovereignty over Delaware Bay, Chesapeake Bay and other inlets, but none of these can compare in magnitude or configuration with Hudson Bay and Strait. Moreover in Chesapeake Bay the headlands are well marked and only twelve miles apart. In discussing these claims Mr. W.L. Hall says: "Many claims to gulfs and bays still find their place in the

books, but there is nothing to show what proportion of these are more than nominally alive". (See Hall, *International Law*, 5th edition p. 156). The same authority writes: "England would, no doubt, not attempt any longer to assert a right of property over the "King's Chambers" which include the waters within lines drawn from headland to headland". Great Britain has, indeed, in recent years asserted and exercised jurisdiction over Conception Bay, Newfoundland, which runs about forty miles inland and has an average width of fifteen miles. This jurisdiction was recognized in the decision of the Privy Council in the case of the *Direct United States Cable Company versus Anglo-American Telegraph Company* (1877 L.R. Ap. Cas. 394) which was based on the fact of the exclusive occupation of the Bay for a long period by Great Britain and the acquiescence by other nations in this exercise of dominion. In this case, moreover, the Counsel for the respondent, Benjamin, Q.C. and Horace Dowey, Q.C., in argument made the following statement: "But nothing can be more vague and inconsistent than the dicta which have been relied on in favour of some limitation of the extent of territorial Bays. Vattel (Bk. I c.23) makes the test the facility of occupation, which is vague enough; and his only illustration of a Bay which is not a territorial Bay is that of Hudson's Bay – an unfortunate illustration since the Hudson Bay Company not only held a grant from the Crown of England of the exclusive right of navigation in that Bay, but they exercised it until Rupert's land was transferred to the Dominion of Canada (L.R. 2. Ap. Cas. at p. 407)." This is however merely an obiter dictum, and begs the whole question. Sir E. Grey is not convinced that the legal effect of the Charter of 1670 is as stated by the two Counsel, and his own view of its proper interpretation has already been expressed in paragraph 7 of this letter.

Both Vattel and Bluntschli, as the Canadian Report admits, refer to Hudson Bay as enclosed water which cannot be regarded as a "mare clausum"; and this view was quoted by the United States Government in their case against Russia in the *Behring Sea Claims*.

There appears, moreover, to be a remarkable unanimity among International jurists on the general principle. Wheaton (*International Law* 4th edition p. 292) states that, by the generally approved usage of nations which forms the basis of International Law, the maritime territory of every state extends to Bays enclosed by headlands belonging to the same state to the distance of a marine league, or as far as a cannon shot will reach from the shore all along the coasts of the state, and to the straits and sounds bounded on both sides by territory of the same state so narrow as to be commanded by cannon shot from both shores (see also Wharton Vol. I paragraphs 27, 28; Phillimore, Volume I paragraphs 189-206; Halleck Volume I pp. 165-170; Vattel paragraph 291; Bluntschli paragraphs 309, 310; Heffter paragraph 76) or, putting this proposition in a negative form, as a modern writer in reviewing the subject asserts: Gulfs and Bays surrounded by the land of one and the same riparian state whose entrance is so wide that it cannot be commanded by coast batteries are not territorial: they are parts of the open sea, the marginal belt inside the gulfs and bays excepted. They can never be appropriated (Oppenheim, *International Law* Volume I, p. 247).

The argument based on the extension of the range of modern guns has frequently, as is well known, been advanced as a ground for extending the recognized limits of maritime jurisdiction. As yet, however, this familiar argument has found no place in International Law (see *Institut de Droit International, Annuaire 1894-5* Volume XIII p. 329; Rivier, *Principes du Droit des Gens* Volume I p. 145; Bluntschli §302). Moreover the claim by Spain to a maritime jurisdiction of six miles has actually been rejected by the United States and Great Britain (see Moore, *Digest of International Law* Volume I pp. 706-714).

Sir E. Grey also desires in this connexion to call Lord Elgin's attention to the strong view which is known to be entertained by British naval experts and which Sir Edward

believes to be shared by various other departments of His Majesty's Government such as (e.g.) the Boards of Trade and of Agriculture (Fishery) with regard to the special interests over which they respectively preside that any proposal for the extension of the three mile limit within which the territorial waters have been confined, which has hitherto been accepted by practically every country, would be undesirable, and that to enlarge such limit on account of the longer range of modern artillery would introduce uncertainty into what is now defined and settled, and would only increase the area over which the preservation of neutrality is obligatory upon a neutral Power, thus tending to diminish the sphere of action of the strongest navy. Consequently any restrictions of the waters which a navy can use without question in time of war is altogether opposed to the interests of Great Britain.

It may be argued however that the ordinary rules of international law do not apply in the case of Americans fishing in North American waters, and that even if the Canadian claim to exclusive sovereignty over Hudson Bay cannot be defended on the grounds on which they base it, they would have the right to exclude American fishermen in accordance with the so-called "Headlands" doctrine.

By Article I of the Treaty of 1818 the inhabitants of the United States are allowed to fish on the coasts, bays, harbours and creeks from Mount Joly "to and through the straits of Belle Isle and thence northwardly indefinitely along the coast" and the United States have renounced the right to fish within three marine miles of any of the bays "not included within the abovementioned limits". It is assumed that Hudson Bay is not included in the term "northwardly indefinitely along the coast" (see paragraph 12 of your letter 23704 of July 19th, 1906), and that His Majesty's Government would be obliged to contend, in accordance with the Headlands doctrine, that as regards United States fishermen, the three mile limit should be measured from a line at the entrance of Hudson Strait, which would prevent them from fishing anywhere inside the Bay. The Canadian Government have not however based their claim to exclusive jurisdiction over Hudson Bay on these parts of the Treaty of 1818, presumably because the Canadian Act which has given rise to the discussion principally affects whalers and that, as whales cannot be regarded as fish, the American renunciation contained in the Treaty does not apply to the present case. From a zoological point of view it is no doubt true that whales are not in the same category as fish, being mammals and obliged to come up to the surface to breathe. In your letter under reply you quote certain correspondence which passed in 1871, in which it was admitted on all sides that seals were not included in the term fish, and you express the opinion that if seals are not fish the United States Government cannot argue that whales are fish.

Sir E. Grey is not convinced that the analogy between seals and whales is complete, seeing that the former are amphibious, while the latter cannot exist on land. But it appears to him that if the United States were to accept both the view that Hudson Bay and Strait are not included in the waters to which United States fishermen have access under Article I of the Treaty of 1818, and also the British interpretation of the American renunciation, it would be in the interest of the United States Government to argue that whales were not fish and that the renunciation therefore does not apply to American whalers.

The objection to applying the "Headlands" doctrine to Hudson Bay appears to Sir E. Grey to be based on wider and more general grounds. It is well known to the Earl of Flinn that the United States Government have consistently opposed the British interpretation of the Treaty of 1818 even where the comparatively small Bays in Newfoundland and in the more southerly regions of the Dominion of Canada were concerned. The application of the Headlands doctrine, even if this were legally possible, to what is practically an inland sea of very large dimensions, would in Sir E. Grey's opinion, embitter the opposition of the United States, and would, he considers, be very inadvisable from a political point of view.

In view of the above considerations Sir E. Grey is of opinion that the Canadian contention cannot be defended either on general grounds, or even, in the case of American fishermen, by the application of the Headlands doctrine. He does not therefore think it advisable that His Majesty's Government should commit themselves to accepting the Canadian Act. He feels that though some resentment may be caused in Canada by disallowing the Act, it would be far better for His Majesty's Government to take that course, than to wait until the United States have protested, and then find themselves obliged to disallow the Act in consequence of that protest.

I am to request that Sir E. Grey may be furnished with any further observations which Lord Elgin may have to offer on receipt of this letter, and I am to suggest that in the event of His Lordship not being able to agree with the views herein expressed the question should be referred to the Law Officers of the Crown for their opinion and that the matter should be further considered on receipt of their Report.

I am, Sir,

Your most obedient,
humble Servant,

Louis Mallet

The Under Secretary of State [Sir Francis Hopwood],
Colonial Office.

Minutes/ Notes

Mr. Cox,

From a technically legal point of view the position of Hudson's Bay is not altogether free from doubt as was admitted in our letter of 19 July 1906 [...] but to a mere layman like myself the common sense view of the situation seems to be that a bay which has Canadian territory on all sides of it and from every point of which nothing but Canadian territory is visible ought to be regarded as a mare clausum notwithstanding that it can be approached by a winding channel more than thirty miles in width.

[Author unknown/ Auteur inconnu]

I submit that it is out of the question to disallow this Act without at least arguing the question with Canada more adequately than is done in this letter even if we could accept all the arguments of this letter; and the proposed reference to the L.O. would require a very careful preparation of the case which would take some time, & would best be done by securing some outside expert assistance.

? First reply that S. of S. is not disposed to accept the views put forward in this letter, but is still of opinion that the Act might be sanctioned perhaps first obtaining from the Canadian Gov^t an understanding that if the U.S. Gov^t protest¹⁹⁷ they will agree to submit [the] matter to arbitration; & Remind F.O. of the view of the case put in last par. of our letter of 19 July 1906 to which no reference is made in the present letter.

G.W. J[ohnson] 31 July

I understand that you kept this paper to discuss the matter further with M^r Davis, but F.O. are pressing us for a reply (see M^r Sperling's note† annexed). I therefore submit draft† for consn on the lines of my previous minute – & [word illegible mot illisible.]

G.W. J[ohnson] 19 Sep.

¹⁹⁷ Illegible marginal note./ Note marginale non lisible.

Lord Elgin

I agree with the draft though I have some doubt — as I have indicated in the margin wh[ether] we sh^d not sanction the Act in the usual course. Canada is most sensitive on this question & we ought to do nothing which w^d make her think we were not prepared to support her.

The matter is one which must in the event of a squabble go to the Hague Tribunal. But we have had no protest from the U.S. & I am not sure that we are going to have one. If no protest comes & if the U.S. boats pay the license fees[,] which is quite possible[,] we shall be strengthening our position from day to day.

H.B. C[ox] 20 Sept

This is a difficult question. I am by no means sure that the case of Hudson's Bay can be separated from the consideration of other cases of seas or portions of seas [restricted?] within straits or headlands. And if it cannot there will be difficulty in approving the contention of the Canadian Act. But I agree entirely that it would be most inexpedient to choose this moment for disallowance without any move on the part of the U.S. I have inserted the words "in the meantime" to keep the matter open, for it is really a question that could be better discussed when the gov^t reassembles.

E[lgin] 21.9

178.

Letter from Assistant Under-Secretary of State for the Colonies to Under-Secretary of State for Foreign Affairs

Lettre du sous-secrétaire d'État adjoint aux Colonies au sous-secrétaire d'État aux Affaires étrangères

TNA, FO 371/389

Downing Street,

24 September, 1907.

26339/1907.

Sir,

I am directed by the Earl of Elgin to request you to inform Secretary Sir E. Grey that his Lordship has given careful consideration to the arguments advanced in your letter No. 18809 of the 23rd of July on the subject of the claim of the Dominion of Canada that the whole of the waters in Hudson's Bay are territorial waters of Canada.

2. The substantial contention in your letter is it appears to Lord Elgin that it is open to the United States to base a claim to consider all the waters of the Bay beyond the ordinary three miles limit as open sea, on the ground of what is no doubt the now accepted rule of international law that territorial jurisdiction is confined within the three miles limit. Lord Elgin is not prepared to deny that the United States Government could and would in any arbitration lay stress on this argument, but, on the other hand, he cannot find in your letter any adequate reply to the argument that the Bay occupies a unique character among bays in view of its being surrounded on every side by Canadian territory. On that ground, and not on the headlands doctrine, he would base any argument it might be necessary to use in support of the Canadian contention.

3. At the same time, Lord Elgin feels that too little consideration is given in your letter under reference to the history of the bay. There is nothing on record save Messrs. Gallatin and Rush's letter of the 20th October, 1818, to show that the United States' Government

are prepared or ready to put forward any claim to regard the waters of Hudson's Bay as *mare liberum*. The fact that American vessels have used the waters of the Bay at intervals since 1861 without question is not, in Lord Elgin's opinion, of any weight in view of the fact pointed out in paragraph 15 of the letter from this Office of the 19th July, 1906, that at the same time the vessels infringed other admitted British rights.

4. But whatever the merits of the abstract controversy as to the matter, Lord Elgin has no hesitation in saying that it is quite out of the question for His Majesty's Government to disallow the Canadian Act when no representations have been made by the Government of the United States. Such a step would cause the deepest resentment in Canada, and could not fail to frustrate the negotiations for the submission to arbitration of the fisheries question,¹⁹⁸ the definitive settlement of which is a matter of the greatest importance. In the event of representations being made by the United States' Government, Lord Elgin has no hesitation in saying that the proper course for His Majesty's Government is to point out (as indicated in the last paragraph of the letter from this Office of the 19th of July, 1906) that the Act is only legally binding if in law the waters of the Bay are part of the Dominion of Canada and that it is open to any person who is aggrieved by the operation of the Law to raise the question in the Canadian Courts and to appeal if need be from their decision to that of the Privy Council. If the Privy Council should decide adversely to the contention of Canada, then the Act would by virtue of that decision cease to operate against the United States, while if they decided in favour of the validity of the Act, His Majesty's Government would have a very strong argument to use against the contention of the United States should that Government not acquiesce in the decision of the Privy Council.

5. Lord Elgin will, however, in deference to Sir E. Grey's views, take no steps in the meantime to signify non-disallowance of the Act, but will simply wait to see whether any action is taken by the Government of the United States.

I am, Sir,

Your most obedient servant,

C.P. Lucas

The Under Secretary of State [Sir Charles Hardinge],
Foreign Office.

Minutes/ Notes

The C.O. reject our contention that the Canadians have no valid claim to treat Hudsons Bay as territorial waters—

1. They state that we have not sufficiently replied to the argument that Hudsons Bay is unique among bays as being surrounded by Canadian territory on every side.

It is not quite clear what reasons they have for claiming a privileged position for Hudsons Bay on this account: the claim would surely be equally applicable to the Gulf of Carpentaria or the Sea of Okotsk (except that they are not actually called Bays), and at any rate it constitutes a weaker argument than that of the Headlands theory which has the advantage of being supported by HMG.

¹⁹⁸ The North Atlantic Coast fisheries dispute, which stemmed from differing British and American interpretations of the 1818 convention, was submitted to the Permanent Court of Arbitration, The Hague, in January 1909. La Cour permanente d'arbitrage de La Haye a été saisie en janvier 1909 du différend au sujet des pêcheries des côtes septentrionales de l'Atlantique, qui découlait des interprétations différentes par la Grande-Bretagne et les États-Unis de la convention de 1818.

2 They appeal again to the Ancient Treaties which in the long run must needs be the backbone of the Canadian claim.

3 & they refuse to see in the fact that Americans have fished in the Bay for years past an abdication of this claim, if it were so, it would according to them, infer a like abdication of the Dominion's admitted right over the shore waters, in which the Americans have apparently also fished with impunity. This argument seems rather weak and far fetched.

4 Great stress is laid on the ill feeling which would be caused in Canada were H.M.G. to abandon their claim & refuse to consent to the Whaling Bill which affirms it.

This is really the crux of the whole matter, & the arguments contained in the first part of the C.O. letter appear to be merely makeweights.

In fact, rather than face ill feeling in Canada, they prefer that H.M.G. by voluntarily putting forward this very feeble claim, should expose themselves to the indignity of recanting should the Courts decide against it or the protests of the U.S. become too pressing.

The C.O. have however agreed to keep the matter open for the present, and this respite appears to offer a favourable opportunity for referring the whole question to the L.O.'s, as proposed by Mr Kenrick in his minute¹⁹⁹ on 18809. A decision by the former against the claim would presumably give the C.O. sufficient moral support to enable them to disallow the Bill.

O.G. S[argent]

The Canadian Government have put us into an awkward position by passing an Act in July 1906 asserting their sovereignty over all the waters of Hudson's Bay. Unless the Secretary of State for the Colonies signifies within two years, i.e. in this case by July 1908, that a Canadian Act is disallowed, His Majesty's Government lose the power to prevent that Act remaining in force for ever, or until such time as the Canadian legislature may choose to repeal it. Pending disallowance the Act is in force.

Hudson's Bay is frequented by a small number of United States Whaling Ships. It is therefore probable that the United States Government will protest against the Canadian assumption of sovereignty over the whole of it, because the Act in question forbids whale fishing without a Canadian license.

Mr. Kenrick's minute on 18809 shows that it is, to say the least, extremely doubtful whether the Canadian claim can be upheld. Should this view be confirmed by the Law Officers the obvious course would be to disallow the Act before any conflict with the United States is provoked. The Colonial Office however consider that such a step would cause the deepest resentment in Canada and "could not fail to frustrate the negotiations for the submission to arbitration of the fisheries question." The last objection has comparatively little force, because those negotiations are so far advanced²⁰⁰ that they can hardly be "frustrated" by any action which Canada may take²⁰¹. With regard to the first, an even worse situation would probably be created if His Majesty's Government were obliged at some later date by unanswerable arguments on the part of the United States to overrule by unconstitutional – or say, unusual – means a Colonial Act, which they had neglected to cancel by the ordinary constitutional method of disallowing it, and which had in consequence definitely become law.

¹⁹⁹ See/ Voir doc. 174.

²⁰⁰ Marginal note: Note marginale :

[I] cannot quite agree in this view. A. L[arcom]

²⁰¹ Marginal note: Note marginale :

They might be much "obstructed." A. L[arcom]

It seems practically certain, that the Law Officers will confirm Mr. Kenrick's opinion. The only further argument now advanced by the Colonial Office in support of the Canadian claim is that the position of Hudson's Bay is unique. What they mean is that the entrance is very narrow compared with the area of the Bay itself. Nevertheless the breadth of the entrance at the lowest estimate is 30 miles: so, although this is no doubt the origin of the Canadian claim, it is not an argument which a foreign power could be expected to accept.

In the circumstances I venture to suggest the following solution for the consideration of the Colonial Office.

A despatch should be written to the Government of Canada pointing out that the present situation has arisen owing to their not having consulted His Majesty's Government before passing an Act which might lead to a conflict between His Majesty's Government and a foreign Government. The opinion of the Law Officers should be enclosed in support of His Majesty's Government's view that the Canadian claim is untenable. The Canadian Government should be informed that His Majesty's Government are anxious not to prejudice the Canadian case by disallowing the Act before any protest has been received from a foreign Government, but that they will feel it to be their duty to do so, unless the Canadian Government undertake to repeal the Act themselves – or at any rate not enforce it on foreign whalers – should such a protest be received, and should it be found impossible to contest it successfully by diplomatic means, including as a last resource an appeal to arbitration.

If the Canadian Government refused to give such an undertaking the position would be no worse that it is at present. If they did, and if the Act eventually had to be abandoned in consequence of protests from the United States, a threat to publish the correspondence would prevent the Canadian Government from indulging in any of the recriminations of which the Colonial Office are so much afraid. This, of course, would be the only sanction which the undertaking could have, and the correspondence would also show that His Majesty's Government had done their best to support the Colony. The effect on our relations with the United States of a refusal to accept their views without a reference to arbitration might not be good. On the other hand the United States whaling interest in Hudson Bay appears to be small and the mere fact that the United States Government have allowed more than a year to pass without making any protest against the Canadian Act seems to show that they do not attach so much importance to the question as might be expected.

M^r Kenrick

R. S[perling]

It seemed to me when we sent our despatch of 23 July last (No 18809) that to submit reasoned arguments based on juridical principles to the Colonial Office would be futile and result only in waste of time. The attitude of that Department, it appeared to me, so clearly evinced the intention of supporting the Act of the Canadian Legislature as a matter of Departmental policy in total disregard of the contingency of possible international complications. This policy is now frankly stated in paragraph 4 of the despatch from the Colonial Office which is now under consideration: "But whatever the merits of the abstract controversy as to the matter, Lord Elgin has no hesitation in saying that it is quite out of the question for H.M. Govt., to disallow the Canadian Act when no representations have been made by the Govt. of the United States".

In my view, the Act of the Canadian Parliament should be disallowed as *ultra vires*, whether or not any representation regarding it is made within the two years by the United States. Internationally, it appears to me, the legislation would be unjustifiable, and,

therefore, not permissible. The absence of protest may be due simply to the fact that the matter has escaped the notice of the advisers of the American executive government. It would be safe to predict that sooner or later protest might be expected from the United States. Moreover, America is not the only nation who would be entitled to raise objection to the exclusion of their whaling ships from the vast sea of Hudson's Bay and Strait unless they acknowledge Canadian territorial rights & jurisdiction by the payment of a licence duty. The Act is, also, in direct conflict with the expressed policy of our Admiralty as to the limits of territorial waters.²⁰²

It seems to me that further argument with the Colonial Office is undesirable. I would suggest that they be informed that Sir Edw. Grey cannot accept, or agree with, the views propounded in their despatch, and that the matter be immediately submitted to the Law Officers, who in my judgment ought to be apprised of the present position at the earliest possible opportunity.

G.H.B. K[enrick] 27/9/1907

Since Mr. Kenrick wrote his last minute I have discussed this case verbally with him. I am entirely in accord with all that he says excepting that I think (and he now agrees) that the papers ought to be submitted to the Lord Chancellor and not to the Law Officers.

The question has now in my opinion, having regard to the last letter from the Colonial Office[,] become one which can only be settled in the Cabinet – and I think that Sir Edward Grey would like to obtain the views of the Lord Chancellor before the matter is laid before the Cabinet. It really is, in another form, the question of the Moray Firth over again.

The Colonial Office letter of September 24th does not appear to me to be a very powerful or convincing statement of their case and I do not think that it calls for any detailed observations.

It is rather difficult to frame a reply which might deserve the term "adequate" to the argument that the Bay 'occupies a unique character among bays in view of its being surrounded on every side by Canadian territory.' It may readily be admitted that any bay which is surrounded by any territory, Canadian or otherwise, on every side – occupies a unique character among bays. A sheet of water which is surrounded by land is not a bay at all, but an inland sea. If what is meant by the Colonial Office is that the whole extent of the shores of the bay is Canadian territory I do not see anything unique in its character. The Moray Firth for instance is in exactly the same position with regard to the Scottish territory by which it is exclusively bounded and there are scores of such bays in every maritime country. The important point is the width of the bay at its mouth, where it is not surrounded, or bounded by Canadian territory at all.

Then again the Colonial Office seems to treat the matter as though it were one which concerned Canada and the United States alone – but this of course is not so.

Assuming for the moment and for the sake of argument (I do not think it is the case) that the United States are estopped by their own admissions from disputing the Canadian claim, this is not in the least binding on other nations who have not made any such admissions and who are entitled to rely on the general principles of international law, as in the Moray Firth, and other cases.

Suppose for instance a German vessel were – possibly for the sake of testing the question in an inconvenient way – to go a-whaling within the area of Hudson's Bay but outside the territorial waters of Canada as understood in international law and that the

²⁰² Marginal note:/ Note marginale :

See Confidential Report of Inter-Departmental Committee on Hague Conference p. 28 para. 19

Canadian authorities interfered with the German vessel while so engaged, what answer could we make to the inevitable German protest?

The argument contained in §4 of the Colonial Office letter seems to me to proceed on obviously fallacious lines. The Judicial Committee of the Privy Council cannot emit decisions which are binding in international law on the nations of the world at large, and the whole point at issue here is not whether the Canadian contention is or is not in accordance with the municipal law of Canada, but whether the municipal law of Canada is not inconsistent with the general law of nations in so far as it may purport to legislate in respect of foreign vessels, persons and property on what are – according to the law of nations – the high seas and the common property of all mankind.

In the Moray Firth case, nobody in this office ever ventured, or indeed was concerned, to dispute that the decision of the highest criminal court in Scotland was in accordance with and declaratory of the municipal law of Scotland; but it was from the beginning contended that the municipal law of Scotland, being what it was, was inconsistent with the law of nations and not binding on persons other than British subjects outside the territorial waters of Scotland as recognised in international law.

The Conception Bay case has also as it seems to me been much misunderstood. The Privy Council in that case did not decide – and indeed they could not have decided so as to bind foreigners at any rate – that according to the accepted doctrines of the law of nations Conception Bay was part of the territory of Newfoundland. They merely affirmed a decision to the effect that for the purposes of a colonial municipal statute Newfoundland had jurisdiction over Conception Bay. It is quite open to any foreign nation to argue that the exercise of jurisdiction by Newfoundland over foreigners in Conception Bay beyond the generally recognised limits of the territorial waters is contrary to international law, and to protest against it.

On the question of international policy involved I do not think I need enter as that aspect of the case is by no means a novel one to this Office. It is however a very grave one, and if local interests are suffered to prevail at the expense of settled international doctrine and consistent national practice great embarrassment is likely to result.

W.E. D[avidson] 6.11.07.

The Colonial Office have entirely failed to refute our arguments and although it will be as well to have the Lord Chancellor's opinion on the papers, it is clear that the question is one of policy & raises the most important issues.

As the Bill has been passed by the Dominion Parliament, it is now too late to hope to convince the Canadian Government of the unjustifiable character of their claim & of its inconsistency with the general law of nations. There is nothing in these papers to show that any serious attempt has been made in this direction.

It is a question of policy whether

- 1) to disallow the Act & enter upon a bitter quarrel with Canada or
- 2) say nothing & risk an American protest.

In strict logic, the first would be the proper course, but are H.M.G. prepared for the possible consequences? Lord Elgin evidently would not be a party to it. If, in the 2nd alternative, the Act is not disallowed[,] if nothing is said to Canada by way of explanation & if the American Govt protest we shall be obliged to make the best case we can out of the Treaty claims & then go to arbitration. But it would be difficult for us to take part ourselves in such an arbitration.

3) A third alternative would be frankly to tell the Canadian Govt that [..] in view of the strong feeling in Canada on the subject H.M.G. will not disallow the Act but that if a protest is made by a foreign Govt, they will not themselves be able to defend the position taken up by Canada & could not do more than pass on their arguments to the U.S. Govt & help to arrange for Arbitration, to which they themselves would not be parties.

But by so doing, we should run the risk of arousing almost as much resentment in Canada as if we had disallowed the Act and the dissolution of the Empire would be a step nearer bring the independence of Canada a step nearer.

L. M[allet]

There can be no doubt that the first step to take must be to refer the whole question to the Lord Chancellor. If Lord Loreburn adopts, as we anticipate, the same views as the Foreign Office, it will then be for the Cabinet to decide as to the action to be taken.

In the event of it being decided, for political reasons, that it is inadvisable to disallow the Act it appears to me that there is yet a fourth alternative to any of the three sketched out by M^r Mallet. On a protest being made by a foreign Govt it would be for H.M.G. to act as the advocate of the Canadian Govt and to urge their plea as strongly as possible, pressing their claims even to arbitration. It would however be advisable to inform the Canadian Govt of the views of H.M.G. as soon as the Lord Chancellor has expressed his opinion (if our expectations in this matter are realised). The Canadian Govt might then be told that in the event of a protest being raised by a foreign Govt, H.M.G. will be ready, in spite of their disagreement with their views, to press these views as strongly as possible upon the foreign Govt, and eventually even to refer the question to arbitration if necessary. H.M.G. should at the same time disclaim all responsibility for the results of the arbitration or for any claims arising therefrom.

If the Act is not to be disallowed it is easier & more dignified to yield to an arbitration Court than to the demand of a foreign Power.

Nov. 10. C. H[ardinge]

The question should go to the Lord Chancellor pointing out that it has to be considered both as a matter of law & as one which involves important considerations of Colonial policy. Lord Elgin tells me that there are some American precedents, which the Canadians may use & of which he thinks the records must be in the F.O. If so the attention of the Lord Chancellor should be directed to these cases.

If there is doubt as to what they are no doubt a verbal enquiry at the C.O. will explain what Lord Elgin refers to.

E. G[rey]

Mr. Mallet.

I commun[icate]²⁰³ privately to the C.O. by telephone Sir F. Grey's minute as to the Hudson Bay question, and the precedents which Lrd Elgin thought might be relied on by Canada: with a view to submitting them with the papers to the Lord Chancellor.

In reply I have just received a message* from Sir F. Hopwood to say that we shall receive an official letter from the C.O. within the next few days, pending the receipt of which it is hoped that the reference to the Lord Chancellor may be held over.

²⁰³ Marginal note:/ Note marginale :
See 2nd alternative. L. M[allet]

The last papers and minutes are being printed so this will not involve much additional delay.

Q[uer]^y Await C.O. letter.

A. L[arcom] 21.XI.07

L. M[allet]

I have ascertained that the further C.O. letter will not reach us for [nearly?] another week, but as it promises to contain all the precedents [of which?] L^d Elgin spoke to Sir E. Grey, we had I suppose best still wait for it, the more so as the L^d Chancellor is to be married on Tuesday (3rd prox) and there seems little to be gained by sending him the papers for the next 2 or 3 weeks.

A. L[arcom] 30.XI.07

L. M[allet]

They were not actually received until Dec. 14, and were then referred to M^l Kenrick [...]

A. L[arcom]

179.

Letter from Commander, Canadian Government Expedition, to Minister of Marine and Fisheries

Lettre du commandant, expédition du gouvernement du Canada, au ministre de la Marine et des Pêcheries

LAC/ BAC, RG 42, vol. 142, file/ dossier 27330

Port Burwell, October, 3rd, 1907.

To The Honorable,

The Minister of Marine and Fisheries [Louis-Philippe Brodeur],
Ottawa.

Dear Sir,

Having had no letters or further instructions from you at Pond's Inlet, than those I received at Quebec before leaving.

I beg to advise you that the winter of 1906 & 7, was pleasantly passed at Albert Harbour, about three miles from the Station of Captain James Mutch, of Dundee. During the month of February, we had the misfortune to lose Frederick Brockenhauser, Oiler, who died a natural death of Mitral Insufficiency, and was buried on Baffin Land in a lot which we made for him.

On the 27th, of July, 1907, we proceeded to sea for Jones Sound we had to make our way through a good deal of ice.

On Monday the 29th, of July, Captain Cooney of the steam whaler *Windward*, came on board and told me he had lost the *Windward*, on the Carney islands during the month of June, but the crew were all saved, and divided amongst the Dundee Whalers, who he had previously met. I am glad to advise you that all the Whalers we met paid their License except the "*Scotia*", and I am sorry to say they all told us they had no mail for us. The mail had not arrived on the sailing of the "*Eclipse*" the last vessel to leave Dundee.

On the 2nd, of August, we were stopped near Cone Island and North Lincoln Land, not being able to reach North Lincoln with safety, I turned back and took possession of Coburg Island, leaving a cairn and record on the most western part of the island with flag.

We then proceeded South West to Lancaster Sound, where finding that there was an unusual amount of drifting ice, I went as far back as Port Leopold, where we took our depot of provisions on board. Finding open water in Regent Strait I proceeded as far as six miles south of Cape Kater, finding the ice close on shore, and no immediate chance of going as far south as Fury and Hecla Strait, which was reported during the winter from the Eskimos that it was open nearly every year, which I think can be done by a ship later in the year. I then returned to Port Leopold. Seeing from the hills that the whole of Lancaster Sound was full of ice, which was also coming into Port Leopold, we made up our mind not to go further.

On the 8th. of August, we where nearly forced on shore in the bottom of the Bay, with no less than five anchors ahead and full steam, ahead luckily it was calm at the time, so after that experience we picked up our anchors and go out into the Regent Strait, which was also full of ice on that day on the west shore. But thanks to the excellent qualities of the "Arctic" we knew there was no danger of being crushed. We tried to go to Prince of Whales, but it was of no avail just now. It was not safe with the supply of provisions we had on hand to risk it, so we returned towards Jones Sound.

Finding on our arrival there that the ice was more open, we landed on North Lincoln Land and Cone Island, on the 12th. of August. We took possession of North Lincoln and Cone Island, and all adjacent islands, as far as ninety degrees north.

Last years ice still blocked the Sound to the westward, as far as we could see, but would undoubtedly break during this month.

We went through Glacier Strait into Northern Waters, through a large field of ice of different seasons, and came to Kekerton, by the Eastern rout as ordered, and having met no further Whalers, we stoped at Kekerton, which we found jammed by ice, it was impossible to force our way into the harbour. I sent the chief Officer, with a request inviting the Agent on board, but finding from the Chief Officer that the Agent, Mr. James Milne was dead under suspicious circumstances, on the morning of the 29th, I appointed Dr. Pepin, James Duncan, Customs Officer, O.J. Morin 2nd, Officer, W H Weeks Purser, J A Simpson, Customs Clerk, and three A.B.s, as I could not safly leave my vessel at that time. They returned after the Investigation with proof of both deaths, which I will give you on my return. On the evening of the same day we proceeded towards Black Lead, where we arrived the next day. We landed at the station and finding no Agent in charge, or any Missionary, we inspected the quarters, [then] we went away, along Baffin Land towards Hudson Strait. After taking soundings in the Strait, we reached Port Burwell on the evening of the 2nd. of September, all well. Not finding our mail, I photographed and surveyed the surroundings of Port Burwell from Grey Strait to Melan Strait, and obtained some very useful information. I selected a place for the Light House and put temporary leading beacons for going into Inner Port Burwell.

I landed our surplus of stores, amounting to some 11,000 lbs, which I put in charge of the Rev. Mr. Waldmann, Missionary at this place. And on the 2nd. of October, I went out to the outer harbour having seen from the hills no field ice during our stay here, except a few scattered bergs.

²⁰⁴ Marginal note/ Note marginale :

X [Louis-Philippe Brodeur?]

²⁰⁵ A previous agent, James Davidson, had also died. At the request of Davidson's relatives, Bernier was instructed to investigate and to provide proof of death for legal purposes. L'agent précédent, James Davidson, était aussi décédé. À la demande de parents de Davidson, Bernier fut encouragé à fournir une preuve du décès à des fins légales. See/ Voir LAC: BAC, RG 42, vol. 144, file: dossier 27352.

We are now fully balasted and awaiting a opportunity to get away in the strait. Hoping this will meet with your satisfaction,

I respectfully,
 remain Your Humble Servant,
 J.E. Bernier
 Commanding Officer.

180.

Letter from Assistant Under-Secretary of State for the Colonies to Under-Secretary of State for Foreign Affairs

Lettre du sous-secrétaire d'État adjoint aux Colonies au sous-secrétaire d'État aux Affaires étrangères

TNA, FO 371/390

Downing Street,
 13 December, 1907.

26339/1907.

Sir,

In continuation of the letter from this Department of the 24th September, respecting the claim of the Canadian Government that the whole of the waters of Hudson's Bay are part of the territorial waters of Canada, I am directed by the Earl of Elgin to request you to inform Sir E. Grey that it has been ascertained that the Canadian Act 6 Edw. VII Cap. 13 has now been incorporated in the Revised Statutes of Canada 1906, as section 9 (12) of Chapter 45. A copy of that Chapter is enclosed (for return) together with a copy of the Canadian "Act respecting the Revised Statutes 1906", 6-7 Edw. VII, Cap. 43.

2. It will be seen that even if the original Act 6 Edw. VII Cap. 13 were disallowed, His Majesty's Government would still have to face the fact of the incorporation of its provisions in the Revised Statutes. The decision to proceed by way of disallowance would thus involve the disallowance also of the Act 6-7 Edw. VII Cap. 43. To disallow that Act, however, would throw out of use the Revised Statutes 1906²⁰⁶ and would render fruitless, at any rate for a time, the great labour and expense involved in that Consolidation. From Sir E. Grey's anticipation that only "Some resentment" would be caused in Canada by disallowance, Lord Elgin infers that he can hardly be aware what an exceptional measure it would be to disallow an Act of the Dominion Parliament.²⁰⁷ Only one instance of such disallowance is on record, and that dates back to 1873. The Act disallowed in 1873²⁰⁸ was, moreover, re-enacted in precisely the same terms in 1876²⁰⁹ and was then left to its

²⁰⁶ Marginal note:/ Note marginale :

Surely not. All that would be necessary w^d be to pass an Act eliminating this particular portion of the statutes and leaving the remainder of the Revised Statutes quite untouched. W.E. D[avidson]

²⁰⁷ Marginal note:/ Note marginale :

This is absolutely "ad captandum" argument & has nothing on earth to do with the legal merits of the case. Presumably Canada has not passed many outrageous acts of Parliament since 1873 when one was disallowed without causing her to "cut the painter". [W.E. Davidson]

²⁰⁸ 36 Vict. (SC 1873) c. 1.

²⁰⁹ 39 Vict. (SC 1876) c. 7.

operation.²¹⁰ A much stronger feeling than mere resentment would be aroused when it became known that the power of disallowance has been resorted to after an interval of 34 years since its last exercise with respect to two Acts, one of which schedules the whole of the legislation of the Canadian Parliament for the last 20 years, — while both assert a principle closely affecting national sentiment — and that the ground of the disallowance is merely that objections to the assertion of that principle may be expected from the United States Government.

3. Moreover the disallowance of both Acts would not dispose of any legal grounds which the Dominion Government might urge in support of their claim to treat the Bay as wholly British. The legislation in question does not purport to change the status of the Bay — it is not in the power of the Canadian Parliament to do so — it merely declares the status of the Bay. It must, therefore, be presumed that the Canadian Government are prepared if necessary to justify that declaration by considerations of a more strictly legal character than those which they have up to the present adduced, and as the disallowance of a declaratory measure cannot alter the law which it declares, these legal considerations would still have the same force as before the disallowance. Lord Elgin cannot predict the exact line of argument which the Canadian Government would take from a legal standpoint, but he is advised²¹¹ that in the discussion which is bound to ensue in the event of disallowance, the Canadian government might possibly be able to shew that the view which His Majesty's Government had rejected was correct in law.

4. Your letter of the 23rd July makes no mention of the Act of 1690 (2 W. & M. cap. 15 Sess. 1. 1690) which ratified, established and confirmed the Charter of the Hudson's Bay Company "henceforth for ever". It is true that this Act contained a proviso that it should continue in force for seven years only. The construction of this Act has been the subject of discussion in the past, owing to the difficulty of reconciling the proviso with the other terms of the Act. The general effect of the Act, however, seems to have been, on the one hand, to declare the British title to the whole of the area covered by the Charter, and, on the other, to reserve to Parliament at the end of the seven years the right to make other provision for the disposal of that area. It is, therefore, open to doubt whether the Straits and Bay when the Act of 1690 ceased to be in force lost the British character with which the Act definitely invested them. At all events to quote an analogous case, the judgment of the Judicial Committee of the Privy Council in the case of the Direct United States Cable Company versus Anglo American Telegraph Company (1 R. 2 A.C. 394), which was in substance based on the terms of the Imperial Act of 1819, 59 Geo. III. Cap. 38,²¹² was given at a time when the Act of 1819 was in abeyance. The British status of Conception

²¹⁰ Marginal note/ Note marginale :

I don't know the circumstances, but the result w^d seem to point to either a mistake on the part of the C.O in 1873 — or weakness on the part of that office in 1876. W.E. D[avidson]

²¹¹ Marginal note/ Note marginale :

One would like to know by whom — i.e. whether by His Lordship's own legal advisers, by the Dominion Law officers or by members of the C.O staff other than the legal experts. W.E. D[avidson]

²¹² A Bill to enable His Majesty to make Regulations with respect to the taking and curing Fish in certain Parts of the Coasts of Newfoundland, Labrador, and His Majesty's other Possessions in North America, according to a Convention made between His Majesty and the United States of America (North American Fisheries Act) (United Kingdom: Royaume-Uni).

Bay continued in the years 1854-1866 and 1874-1886,²¹³ notwithstanding that the Act of 1819 was suspended during those periods and would continue even if the Act of 1819 were repealed now.

5. It is further possible to argue that the Judgment of the Judicial Committee of the Privy Council in the Conception Bay case might be held to have decided that the waters of Hudson's Bay are wholly British.²¹⁴ It is assumed in your letter of the 23rd July that Hudson's Bay is not included in the limits open to the American fishery under Article 1 of the Convention of 1818: it follows, therefore, from the terms of the Convention that it is one of the Bays in which the inhabitants of the United States have renounced their right to take fish: and as, according to the Judgment of the Judicial Committee in the Conception Bay case, "there is nothing to justify a construction of the Act (of 1819) limiting it to bays not exceeding any particular width", there seems to be good ground for holding that the Canadian Act merely covers the same ground as the Imperial Act of 1819. It is true that the Canadian Government have not made use of this argument, but that does not affect its soundness. You suggest in your letter, some doubt as to the view that whales are not fish, but I am to point out that the most formal assurance was given by His Majesty's Government to the Newfoundland Government in 1904 that French fishermen are not entitled to take whales on the Treaty Coast of that Colony. You then proceed to say that if whales are not fish, the United States Government could argue that the renunciation of the right to take fish does not apply to the right of taking whales. But the Convention of 1818 was, on the side of the United States, something more than a renunciation of the right to take fish: it was a recognition that the Bays, etc., to which that renunciation applied were parts of His Majesty's dominions. Compare the words used by the Judicial Committee of the Privy Council in the Conception Bay case: "a strong assertion of ownership on the part of Great Britain, acquiesced in by so powerful a state as the United States."²¹⁵ Further[,] without going into the question of United States rights in bays[,] on the view which you suggest, the United States Government might claim that their whalers are entitled to take whales in the 3 mile belt off the main coast.²¹⁶ I am to enquire whether Sir E. Grey is advised that it is not in the power of the Canadian Parliament to prohibit American citizens from whaling in admittedly territorial waters.

²¹³ These were the periods when agreements with the United States allowed Americans to fish in Newfoundland's territorial waters. The dates given are not quite correct. The Newfoundland legislature did not ratify the 1854 Reciprocity Treaty until 1855. The United States abrogated the treaty in 1866. The Treaty of Washington was signed in 1871 and came into force, as far as Canada and the United States were concerned, in 1873. In 1874, Newfoundland agreed to become a party, effective from 1875. The United States abrogated the fisheries clauses in 1885.

Ce furent les périodes pendant lesquelles des accords avec les États-Unis permettaient aux Américains de pêcher dans les eaux territoriales de Terre-Neuve. Les dates données ne sont pas tout à fait exactes. L'assemblée législative de Terre-Neuve n'a pas ratifié avant 1855 le Traité de réciprocité de 1854, abrogé par les États-Unis en 1866. Le Traité de Washington fut signé en 1871 et entra en vigueur, pour ce qui est du Canada et des États-Unis, en 1873. En 1874, Terre-Neuve accepta d'y adhérer, à compter de 1875. Les États-Unis ont abrogé les clauses au sujet des pêcheries en 1885.

²¹⁴ Marginal note:/ Note marginale :

It is possible no doubt to argue almost any proposition. But I doubt whether any lawyer of repute can be found who will say that the Jud. Commⁿ decided that the waters of Hudson Bay are wholly, and for all purposes, British. W.E. D[avidson]

²¹⁵ Marginal note:/ Note marginale :

The question here was only between two parties of whom G^r Britain (for Canada) was one, & the U.S., who made admissions possibly against interest, was the other. They do not bind other third Powers. W.E. D[avidson]

²¹⁶ Marginal note:/ Note marginale :

? [Author unknown/ Auteur inconnu]

6. To go back to the Imperial Act of 1690, although the proviso to that Act limited its duration to seven years, subsequent Imperial legislation and Orders in Council and Letters Patent took cognizance of the Hudson's Bay Company's Charter and recognised the rights of the Company under it. Lord Elgin will not trouble Sir E. Grey with a reference to the Orders in Council, etc., but he would invite his attention to section 23 of the Act 6 Anne Cap. 37 (1707), to section 4 of the Act 18 George II Cap. 17 (1745),²¹⁸ section 1 of the Act 14 George III Cap. 83 (Quebec Act of 1774) and section 1, 3, 14 and 16 of the Act 12 George IV Cap. 66 (1821).²¹⁹ The Act of 1745 deserves special notice, as showing that Parliament at that time thought it necessary to preserve the rights and privileges of the Company even in a matter relating merely to the passage of exploring ships through the Straits and Bay. Lord Elgin would also invite attention to the opinion of the Law Officers of the Crown (Jervis and Romilly) given in January 1850: "We are of opinion that the rights so claimed by the (Hudson's Bay) Company do properly belong to them"²²⁰ and to the opinion of the Law Officers of the Crown (Bethell and Keating) given in July 1857: "That the questions of the validity and construction of the Hudson's Bay Company's Charter cannot be considered apart from the enjoyment that has been had under it during nearly two centuries, and the recognition made of the rights of the Company in various Acts both of the Government and the legislature. Nothing could be more unjust, or more opposed to the spirit of our law, than to try this Charter as a thing of yesterday, upon principles which might be deemed applicable to it, if it had been granted within the last 10 or 20 years."²²¹

7. Finally, he would refer to the terms of the Act 31 and 32 Vic. Cap. 406, under which the Order in Council of the 23rd June 1870 admitting "Rupert'sland" to the Dominion of Canada was made. In section 2 of that Act, the term "Rupert'sland" was defined as "including the whole of the lands and territories held, or claimed to be held, by the said Governor and Company", and in section 5 power was given to the Dominion Parliament to make all such laws etc., as might be necessary for the peace order and good government of His Majesty's subjects and others therein. Any legislative power over Hudson's Bay and Straits possessed by the Dominion Parliament is based on these provisions. Having regard to the Judgment of the Privy Council in the Conception Bay case and to the decision in the case of *Regina versus Cunningham*²²² which was adopted by the Privy Council in that Judgment, the Canadian Government would appear to have strong ground for contending that such legislative power exists.

In the case of *Regina versus Cunningham* which is not referred to in your letter, it was decided that at least the whole of the British (Bristol) Channel between the counties of Somerset and Glamorgan was within those counties and British territory.

²¹⁸ Act for the Encouragement of the Trade in America (United Kingdom: Royaume-Uni).

²¹⁹ Discovery of the North-West Passage Act (United Kingdom: Royaume-Uni).

²²⁰ Fur Trade Act (United Kingdom: Royaume-Uni).

²²¹ United Kingdom, House of Commons Papers, Accounts and Papers, 1850, vol. 38, no. 547 (*Hudson's Bay Company: Papers relating to the Legation at the Priests in respect to Territory, Trade, Jurisdiction and Government claimed or exercised by the Hudson's Bay Company*), pp. 7-8.

²²² United Kingdom, House of Commons Papers, Reports of Committees, 1857, 2nd session, vol. 18, 243: 260, *Report from the Select Committee on the Hudson's Bay Company*, pp. 403-404.

See/ Voir Thomas Bell, *Crown Cases reserved for Consideration, and decided by the Judges of England* (London: V & R Stevens & Sons, H. Sweet, and W. Maxwell, 1891), pp. 12-16.

²²³ Marginal note:/ Note marginale :

Merely for the purpose of conferring criminal jurisdiction in *Cunningham's case* [W. Davidson]

8. It is proposed at a later stage in this letter to compare the grounds on which the decision in that case was based with the grounds on which a similar view of the status of Hudson's Bay might be supported, but at this stage it is thought desirable to allude to certain statements in your letter of the 23rd July.

9. You say that the great sea known as Hudson Bay at the time of the grant of the Charter "(A) obviously never had been (B) nor indeed was capable of being brought under the effective and exclusive occupation of Great Britain". Few Charters of the kind, old or new, would survive the criticism implied in remark (A) if valid. At the worst, however, the Charter might be regarded as a licence of exclusive occupation, constituting the first step towards the annexation of the Bay – the issue of such licences of exclusive occupation is even to-day an ordinary part of the business of this Department.

Remark (B), if it refers to climatic conditions, strikes also at the British title to those parts of British North America which for similar reasons can never be effectively occupied: if it refers to the size of the Bay, it strikes also at the joint Anglo-American title to the Great Lakes. It is true that the Great Lakes cannot be approached directly from the sea but if this differentia is insisted on, then the question of size becomes unimportant and the prime consideration is the nature of the communication between the Bay and the outer ocean. The entrances to Hudson's Bay from the western end of the Straits are seven in number and their respective approximate widths (taking them from south to north) are according to information semi-officially supplied by the Hydrographer to the Navy, 2, 29, 12, 8, 2, $\frac{1}{2}$ and 16 miles. The largest entrance is thus not so wide as the entrance to the Bay of Fundy which His Majesty's Government still regard as British territory,²²⁴ and is only four miles wider than the entrance to the Bay of Chaleurs which (apart from other legal considerations) is treated on the footing of British territory by the Imperial Act 14 and 15 Vic. Cap. 63.²²⁵

10. Further, none of the historic instances which you quote seem to have any bearing on the present question. They all relate to parts of the sea, the shores of which are not exclusively occupied by the claimant nation.

11. Hudson's Bay on the other hand is a sheet of water on the shores of which no nation save Great Britain has an inch of territory.

12. You also refer to the Behring Sea Award. That award as subsequently explained by M. de Courcel (see note to Hall's International Law page 155 fifth edition) was limited to the area covered by the dispute referred to the Tribunal and laid down no universal rule as to the extent of territorial maritime jurisdiction. In any case the fact that the award was signed by M. de Gram, who had formally submitted to the Tribunal a statement of the status of Norwegian fiords under Norwegian whaling law and practice, shews that the award could have had no application to the status of waters *intra fauces*. The question of the area of territorial maritime jurisdiction is one thing; that of the status of enclosed waters is another. This distinction, which was specifically made in the Judgment in the Franconia

²²⁴ Marginal note:/ Note marginale :

Not so. See Phillimore Int Law Vol I p 289[;] Wharton Digest Vol III p 305a p 58. [G.H.B. Kenrick]

This note was not included in the Foreign Office print of the letter. Cette note marginale ne figurait pas dans l'impression par le Foreign Office de la lettre.

²²⁵ Marginal note:/ Note marginale :

As to Bay of Chaleurs see Wharton Digest Vol III p 305a p 59. G.H.B. K[enrick]

This note was not included in the Foreign Office print of the letter. Cette note marginale ne figurait pas dans l'impression par le Foreign Office de la lettre.

case" which led to the passing of the Territorial Waters Act,²²⁹ has not been sufficiently brought out in your letter.

13. Lord Elgin cannot agree that arguments based on the Treaty of Neutrality of 1686 and on the Treaty of Utrecht of 1713 are fallacious. The Treaty of 1686 was invoked officially on behalf of Great Britain in 1687 (British Memorial to French Commissioners) as establishing and confirming "His Majesty's Right to Hudson's Bay and Territories thereunto belonging",²³⁰ and the negotiations for the peace of Utrecht leave no room for doubt that the stipulations as to the surrender of Hudson's Bay and Straits in the Treaty of Utrecht must be construed literally, that is, as disposing of all the waters within the Bay and Straits without any limitation whatever.

14. Nor can his Lordship accept the view that these stipulations were binding only between France and England. The Treaty between France and England was but a part of the scheme for a general European pacification, embodied in a considerable number of Treaties concerted at the Congress of Utrecht and setting out the conditions on which the various nations returned to mutual peaceful relations.

All the parties to the Peace of Utrecht must be taken to have accepted the terms on which any two of the parties settled their differences (see in this connexion Articles 24 to 28 of the Treaty with France and Articles 19 to 25 of the Treaty with Spain). The stipulations as to Hudson's Bay and Straits must therefore be regarded as having the force and authority of an universal international agreement. Moreover the Treaty of Utrecht was renewed and confirmed by Article II of the Treaty of Peace of 1763²³¹ ("as if they were inserted here word for word"). The parties to that Treaty were not only England and France but also Spain and Portugal.

15. At the time therefore of the declaration of American Independence the British title to Hudson's Bay and Straits w[as] undisputed and indisputable. It was of course possible for the United States to dispute it when they attained to Independence but they did not do so,²³² and if, as they hold, the Treaty of 1783 which recognised their independence was a "Partition of Empire", they must be regarded as having acquiesced in the retention by the King of Great Britain of all the territory which His Majesty possessed north of the boundary line prior to the separation. As regards territory lying to the south of the boundary, the United States not only accepted previous European arrangements affecting territory in that quarter but also took over and asserted the previous titles and claims of the King of Great Britain. The assertion of American sovereignty over Delaware Bay was, for example, based on a Charter of Charles II.

²²⁹ Regina v. Keyn (1876); see *voir Law Reports, Exchequer Division*, vol. 2 (1876-1877), pp. 63-239.

²³⁰ Territorial Waters Jurisdiction Act, 41-42 Vict. c. 73 (United Kingdom: Royaume-Uni).

²³¹ This memorial by the British commissioners, presented as part of the negotiations leading up to the Provisional Treaty Concerning America, is printed in: *Ce mémoire des commissaires britanniques présenté dans le cadre des négociations sur le Traité provisoire concernant l'Amérique*, est imprimé en: Alexander Begg, *History of the North West*, vol. 1 (Toronto: Hunter, Rose, 1894), pp. 126-128.

²³² Charles Oscar Paulin, ed., *European Treaties bearing on the History of the United States and its Dependencies*, vol. 4 (Washington, DC: Carnegie Institution, 1937), doc. 180. [G. F. de 1000] Martens, *Recueil des principaux traités d'alliance, de paix, de trêve, de commerce, de commerce de limites, d'échange, &c., conclus par les Puissances de l'Europe ... depuis 1761 jusqu'à présent*, tome 1, Göttingue, Jean Chrétien Dieterich, 1791, doc. 6.

²³³ Marginal note: / Note marginale :

Since 1864 U.S. whalers have resorted to Hudson Bay without objection. [G. H. B. Kennick?]

This note was not included in the Foreign Office print of the letter. Cette note marginale ne figure pas dans l'impression par le Foreign Office de la lettre.

Among the essential facts as to the status of Delaware Bay, set out by Edward Randolph, Attorney General of the United States, in his opinion on the "Grange" Case of the 14th May 1793,²³¹ were these:—

"That from the establishment of the British provinces on the Banks of the Delaware to the American Revolution, it was deemed the peculiar navigation of the British Empire;

That by the Treaty of Paris, on the 3rd day of September, 1783, His Britannic Majesty relinquished, with the privity of France, the sovereignty of those provinces, as well as of the other provinces and colonies".

The words "with the privity of France" confirm what has been said above as to the nature of the Treaty of Utrecht, but they are of further significance. If France was privy to the Treaty of the 3rd September 1783 between Great Britain and the United States, the United States may presumably be regarded as having been privy to the Treaty of the same date and place between Great Britain and France. But the Treaty with France of 1783²³² renewed and confirmed the Treaty of Utrecht in the same terms as the Treaty of 1763 already referred to. Any privity of the United States in the Treaty of 1783 must therefore have extended to the renewal of the arrangement which recognised the British title to Hudson's Bay and Straits. In any case it is an important factor in the present question that on the same day as this country definitively recognised the independence of the United States, the British title to those waters formed for the third time the subject of an agreement with France.

16. Lord Elgin further cannot attach great importance to the remarks made by Messrs. Gallatin and Rush to the United States Government in explanation of Article I of the Convention of 1818. He has already pointed out that those remarks cannot be accepted by His Majesty's Government without abandoning the British interpretation of that Article and that His Majesty's Government have on a previous occasion refused to accept Mr. Rush's account of the negotiations which led up to that Article. (See paragraphs 12 and 13 of the letter from this Department of the 19th July 1906). The remarks in question are also in disagreement with the attitude of the United States Government and Courts in the interval between Independence and the negotiation of the Convention, as described in the British Brief laid before the Halifax Fisheries Commission (page 147 of C.2056) and with the proposals made on the subject of Maritime Rights by Messrs. Rush and Gallatin themselves on the 17th September 1818 (State Papers Vol. VII²³³ page 188):—

"In all cases where one of the High Contracting Parties shall be at war, the armed vessels belonging to such party shall not station themselves, nor rove, nor hover, nor stop, search or disturb, the vessels of the other party, within the chambers formed by headlands, or within 5 marine miles from the shore belonging to the other party, or from a right line from one headland to another".

Further, if the application to Hudson's Bay of the principle of the 3 mile limit of exclusive fishery (notwithstanding the terms of the Charter and of the Treaty of Utrecht) was as obvious as is implied in the remarks of Messrs. Rush and Gallatin, it is not easy to suggest a reason why as regards the main coast they took the precaution "of its being expressly

²³¹ See *Voir A Message of the President of the United States to Congress, relative to France and Great-Britain* (Philadelphia: Childs and Swaine, 1793), pp. 18-20.

²³² The Treaty of 'Le traité de Versailles; see' voir Charles Jenkinson, *A Collection of all the Treaties of Peace, Alliance, and Commerce, between Great-Britain and other Powers, from the Treaty signed at Munster in 1648, to the Treaties signed at Paris in 1783*, vol. 4 (London: J. Debrett, 1785), pp. 334-354 (français), 354-375 (English).

²³³ *British and Foreign State Papers*, vol. 7 (London: James Ridgway, 1834).

stated that our renunciation extended only to the distance of 3 miles from the Coasts" (State Papers Vol. 7 page 168).

Messrs. Rush and Gallatin themselves further admit that the exception of the exclusive rights of the Hudson's Bay Company "was virtually implied in the Treaty of 1783, and we had never, any more than the British subjects, enjoyed any rights there; the Charter of that Company having been granted in 1670." But the Treaty of 1783 recognised the right of the people of the United States to take fish on the Newfoundland Banks, in the Gulf of St. Lawrence, "and at all the places in the sea, where the inhabitants of both countries used at any time heretofore to take fish" and gave them the liberty of taking fish "on such part of the coast of Newfoundland as British fishermen shall use, ... and also on the coast[s] bays and creeks of all other of His Britannic Majesty's Dominions in North America." There was no express exclusion of United States citizens from the inshore waters of Hudson's Bay and Straits but if the fact that British subjects had never fished in the inshore waters of Hudson's Bay and Straits "virtually" involved the denial of that privilege to United States citizens under the Treaty of 1783, it is suggested (assuming for the moment that the waters of the Bay and Straits are partly territorial and partly non-territorial) that the express limitation of the American right of fishery on the high seas to "places of the sea, where the inhabitants of both countries used at any time heretofore to fish" must with far greater certainty have debarred United States citizens from fishing in the other parts of the Bay and Straits. In other words United States fishermen must have been excluded from the whole of the Bay and Straits under the Treaty of 1783 if under that Treaty, then also under the Convention of 1818, which while expressly excluding them from the inshore waters, left the provisions of the Treaty of 1783 as to fishing on the high seas untouched. The remarks of Messrs. Rush and Gallatin as to what was "virtually implied" in the Treaty of 1783 are thus inconsistent with their claim that the Convention of 1818 left United States citizens free to fish in the waters of Hudson's Bay and Straits outside the ordinary 3 mile limit.

The foregoing observations tend to shew that any appeal to Messrs. Rush and Gallatin's assertion is not free from difficulty.

17. It is further stated in your letter that "there is, so far as Sir F. Grey is aware, no instance whatever of the recognition by international law of territorial sovereignty (with its consequent proprietary rights) over a portion of the sea approached by straits of so wide an entrance" (as 30 miles). If the status of Hudson's Bay is to be decided by the width of its approach, then it is not the width of the entrance of the straits by which it is approached which has to be considered but the width of the various channels at the western end of the straits. It has already been pointed out that these are not so wide as the entrance to the Bay of Fundy. On the other hand if Hudson's Bay is British territory, Hudson's Straits pass out of the category of straits proper, into that of ordinary arms of the sea.

The Straits of San Juan de Fuca, it is apparently agreed both by His Majesty's Government and the United States Government, are territorial. Lord Elgin would invite Sir F. Grey's attention to the observations on this subject in Moore's *International Law Digest* (Vol. 1 pages 658-9)[...], an official publication of the United States Government[...], and to Sir R. Webster's remarks before the Behring Sea Tribunal (pages 1284-1289) especially the statement: "I do not think that my learned friends will find any authority to suggest that the waters in such a place as that shewn on the chart, between 10 and 11 miles wide at the mouth, extending 50 miles into the country, would not be regarded as otherwise than inland, embayed or enclosed waters. And the fact that they widen out to 35 miles among

the islands would not remove that presumption".²³⁴ (Note. According to the Admiralty Pilot the width of the Straits of San Juan de Fuca at the points there assigned for the entrance is 13 miles: the average width is 12 miles and the length 60 miles). It is true as pointed out by the President of the Tribunal that the arrangement for the partition of these straits binds primarily only the United States and this country (a possible exception is Germany, the German Emperor having made the award relating to the Boundary in these waters) but that is a consideration to which the United States Government cannot appeal, and if Straits 13 miles wide at the entrance can be territorial, there is no logical reason why Straits 30 miles wide at the entrance cannot also be territorial.

Mr. Moore in the passage already referred to in his Digest of International Law holds that straits stand on the same footing as rivers. If this is the case, I am to point out that by the Treaty of 1871 the whole of the St. Lawrence from its intersection with the international boundary to where it enters the sea is British. The points where the St. Lawrence enters the sea were determined in 1860 by the Joint Commission which delimited the mouths of rivers in British North America under the reciprocity Treaty of 1854 as Point des Monts on the north and Cape Chatte on the south. The distance between these points is as great as 23 miles (see Mr. Perley to Lord John Russell 25th November, 1860, pages 95-6, Foreign Office confidential print No. 2344).²³⁵

18. As the reference to Hudson's Bay in the arguments of Benjamin Q.C., and Davey Q.C. in the Conception Bay case is dismissed in your letter as an *obiter dictum*,²³⁶ it is not proposed to allude to the similar references made by Vattel and Bluntschli, nor to the similar reference in the United States Case in the matter of the American Whaling claims against Russia, except as regards the last to point out again that the United States Case distinctly implied that the view that Hudson's Bay is *mare clausum* would not be unreasonable. As to the probability of the United States still claiming territorial sovereignty over Delaware and Chesapeake Bays, I am to invite attention to the decision of the United States second Court of Commissioners of Alabama claims in the case of Stetson versus the United States, given apparently in 1882 and reported on pages 741-2 of Moore's International Law Digest Vol. I. This decision was to the effect that Chesapeake Bay was wholly within the territorial jurisdiction and authority of the United States. The statement in your letter that the headlands of Chesapeake Bay are well marked and only 12 miles apart is practically in the same terms as those employed by the Court; it therefore seems possible that this decision has already been considered at the Foreign Office,²³⁷ but Lord Elgin would point out that among the data on which the decision was based there are three facts of special relevance to the present question (1) the fact that "from the earliest history of the country it has been claimed to be territorial waters and that the claim has never been questioned" (2) the fact that "it cannot become the pathway from one nation to another" and (3) "the holdings of the English Court as to the Bristol Channel and Conception Bay", as well as the position taken up by the United States as to Delaware Bay. The argument from history is even stronger in favour of the British title to Hudson's Bay and it is of special significance that a United States Court should have adopted the judgment of the

²³⁴ *Compte rendu des séances du Tribunal d'arbitrage, siégeant à Paris, 1893* Report of the Proceedings of the Tribunal of Arbitration, convened at Paris, 1893, 6^e partie/ part 6, p. 1289.

²³⁵ *Correspondence with Mr. Perley, respecting British North American Fisheries, 1855-66* (1873).

²³⁶ Marginal note:/ Note marginale :

Not at all. An *obiter dictum* is made by a Judge and not by a Counsel. W.E. D[avidson]

²³⁷ Marginal note:/ Note marginale :

Of course it has! G.H.B. K[enrick]

This note was not included in the Foreign Office print of the letter. Cette note marginale ne figurant pas dans l'impression par le Foreign Office de la lettre.

Privy Council in the Conception Bay case, which as already pointed out, was expressed in terms ample enough to cover Hudson's Bay.

19. It is true, as you say, that Delaware and Chesapeake Bay cannot compare in magnitude or configuration with Hudson's Bay. But in Lord Elgin's opinion the argument from configuration is all on the side of Hudson's Bay. As regards the argument from magnitude, I am to point out that the rule as to Bays laid down in the North Sea Convention²⁷⁸ takes no account of magnitude as such but only of the width of the opening. If a greater width than 10 miles is admissible in the case of Delaware Bay and Chesapeake Bay or Conception Bay, the claim of the Canadian Government raises no question of principle, and the extent to which the Bay penetrates into the interior of Canada supports rather than weakens the claim. The depth to which the Straits of San Juan de Fuca run into the country was one of the grounds which were urged in the speech of Sir R. Webster before the Behring Sea Tribunal already referred to as establishing the territorial status of these waters,²⁷⁹ and in the opinion on the case of the "Grange" also mentioned above. Edmund Randolph contended: "Unless these positions can be maintained, the bay of Chesapeake ... will become a rendez-vous to all the world, without any possible control from the United States ... If, as Vattel inclines to think in the 249th section of his first book, the Romans were free to appropriate the Mediterranean, merely because they secured by one single stroke, the immense range of their coast, how much stronger must the vindication of the United States be, should they adopt maxims for prohibiting foreigners from gaining, without permission, access into the heart of the country." These are in substance the considerations which politically underlie the Canadian claim and so far would the Dominion Government be from accepting as a valid reason for disallowance the statement that "any restrictions of the waters which a navy can use without question in time of war is altogether opposed to the interests of Great Britain", that their objection to disallowance would be increased by the knowledge that it was intended in part thereby to preserve the right of foreign nations to fight out their naval battles in the inmost recesses of the Dominion. The contingency of such a battle is of course very remote, but it may be remarked that it was *inter alia* the impossibility of Great Britain allowing a naval battle between foreigners to take place in the Bristol Channel which led Mr. R.H. Dana, one of the United States Counsel and a high authority, to accept the decision in the case of *Regina versus Cunningham* in his argument before the Halifax Fisheries Commission (pages 250-1 Cd. 2056).

20. It is now proposed very briefly to compare the respective cases of the Bristol Channel and of Hudson's Bay and Straits. The fact that the judgment of the Court of Crown Cases Reserved in the case of *Regina versus Cunningham* was accepted by the Privy Council in the Conception Bay Case and was adopted by United States Counsel in 1877 in his argument before an International Tribunal and again adopted by a United States Court in 1882, gives a weight to that judgment which makes such a comparison of special interest. Whereas in the case of Conception Bay, there was, to use the words of the Judicial Committee "an unequivocal assertion of the British legislature of exclusive dominion over this bay as part of the British territory", in the case of the Bristol Channel however there

²⁷⁸ For the official French text, see: Pour le texte officiel en français, voir "Convention between Great Britain, Belgium, Denmark, France, Germany, and the Netherlands, for regulating the Police of the North Sea Fisheries," *British and Foreign State Papers*, vol. 73 (London: William Ridgway, 1889), pp. 39-48. For the text in English, see: Pour le texte en anglais, voir Sea Fisheries Act, 1883, 46 & 47 Vict. c. 22 (United Kingdom/Royaume-Uni), first schedule/ première annexe.

²⁷⁹ Marginal note:/ Note marginale:

Naturally as Counsel Sir R. Webster had to try & persuade the Tribunal with such arguments as presented themselves. W.E. D[avidson]

was no such Act of Parliament as the Act 59 George III cap. 38, and the case was decided on the bare merits and facts. Without raising the question already discussed whether that Act as interpreted by the Privy Council does not also cover the case of Hudson's Bay, it may be pointed out that the decision in the Bristol Channel case was based (1) on the configuration of the Bristol Channel and (2) on certain facts, few in number and not of very special significance, which went to shew that the place where the offence had been committed was within the body of the County of Glamorgan. As regards the first ground, Hudson's Bay and Straits are clearly more intra fauces than the Bristol Channel:²⁴⁰ as regards the second, in support of the British title to Hudson's Bay and Straits, it could be represented that that title had been asserted by the Charter of Charles II, and had been agreed to by France three times, first in 1713 as a part of a European settlement binding on all the nations at war prior to 1713, then in 1763 in concert with Spain and Portugal and finally in 1783 on the same day as Great Britain definitively recognised the independence of the United States, that the instrument in which the title had been originally asserted, viz., the charter of 1670, had been confirmed for seven years in 1690 and that the rights of the Company under it had been recognised by a series of Acts of Parliament; and lastly that by a further Act of Parliament provision was made for the transfer to Canada of all the lands or territories held or claimed to be held by the Company. Both in quantity and in quality, therefore, the evidence in favour of the British status of Hudson's Bay and Straits far exceeds that on which that part of the Bristol Channel which lies between the counties of Somerset and Glamorgan was decided to be British territory.

21. In these circumstances Lord Elgin trusts that Sir E. Grey will agree to his notifying to the Governor-General of Canada that the two Acts now in question will not be disallowed.

I am, Sir,
Your most obedient Servant,
C.P. Lucas

The Under Secretary of State [Sir Charles Hardinge]
Foreign Office.

Minutes/ Notes

This is the further letter from the C.O which we promised to await before sending the Papers to the Lord Chancellor.

The C.O now materially strengthen the argument against disallowance of the Act, by informing us that we cannot do so without disallowing the Revised Statutes of Canada 1906, in which it has been incorporated: while such disallowance of a declaratory measure like that in question, would not dispose of the legal arguments of Canada, but would arouse a far deeper resentment than we appreciate. In the outcome the discussion would not be stifled and the view of HM Govt might possibly be proved to be unsound.

The legal arguments based on the Charter and its confirmation by subsequent Treaties are again remmarshalled and ~~reinforced~~ represented with much ability and some force.

These will no doubt be considered in more detail by our Legal Advisers if it be thought desirable to do so before submitting the whole matter to the L^d Chancellor.

The geographical arguments are also reinforced and our contention, on strategical grounds, that "any restrictions of the waters which a navy can use without question in time

²⁴⁰ Marginal note:/ Note marginale :
? [Author unknown/ Auteur inconnu]

of war is altogether opposed to the interests of G. Britain", is countered by the not very convincing argument that the Canadian "objection to disallowance would be increased by the knowledge that it was intended in part thereby to preserve the right of Foreign nations to fight out their battles in the inmost recesses of the Dominion," however remote that contingency might be.

It is sought to support this argument by the analogy of the Bristol Channel, and it is maintained that both in quantity and quality the evidence in favour of the British status of the Hudson Bay and Straits far exceeds that on which the part of the Bristol Channel between the Counties of Somerset and Glamorgan was decided to be British Territory.

The C.O. therefore urge us to concur in notifying to the Canadian Govt. that the Acts in question will not be disallowed.

The action of the Canadian Govt. in incorporating this Act prematurely, and thus rendering our power of veto practically nugatory, seems, apart from the immediate issue, to call for explanation and to afford ground for remonstrance.

The first argument based on practical inconvenience, and great Canadian resentment seems on the whole the most cogent, and it may be found best to adopt M. Mallet's 3rd alternative " [] i.e. to tell Canada that H.M.G. will not disallow the Act, but that if protest be made, they will not be able themselves to defend the position taken up by Canada.

Sir E. Davidson

A. L[arcom] 16.XII.07

L. M[allet]

I have made one or two observations in the margin of the C.O. letter which occurred to me on perusing that document.

But I thought it best to defer any fuller remarks until the papers came back from M. Kenrick to whom I have sent them in the first instance for his observations.

The C.O. letter is a very lengthy document and appears to me to lend itself to a good deal of criticism.

W.E. D[avidson] 18.XII.07

1. It is contended by the C.O. that the disallowance of the Canadian Act, 6 Edw. VII c. 13, would involve the disallowance of the Act, 6 & 7 Edw. VII c. 43, the Revised Statutes of Canada, 1906, Act, in which the former statute has been incorporated. To disallow that Act would according to the view expressed by the C.O. "throw out of use the Revised Statutes 1906, and would render fruitless, at any rate for a time, the great labour and expense involved in that Consolidation."

It is certainly somewhat astonishing that this argument, which is avowedly based on considerations of mere convenience to the Dominion, even if it were unanswerable and insuperable, should have been placed in the forefront by the C.O. as a reason for adopting the Canadian legislation, which if the views of this Department are well founded, may lead directly to protest by the United States, and tend to international complication.

Assuming, however, that it be deemed expedient and necessary to disallow the Canadian Act (6 Edw. VII c. 13) having regard to our international obligations, there can

²⁴¹ See/ Voir doc. 178, undated minute by Mallet/ note non datée de Mallet.

²⁴² A subsequent despatch from Washington reported that there was no apparent public interest in this matter in the United States: Une dépêche subséquente de Washington indiquant qu'il n'y avait aucun intérêt public apparent à ce sujet aux États-Unis. See: Voir Esme Howard to Sir Edward Grey, 20 February 1908, TNA, CO 42-923.

be little doubt that it would be feasible for the Canadian Legislature to pass an Act eliminating the statute in question from the Revised Statutes, without otherwise affecting the Revised Statutes of Canada 1906 Act, if such a course be considered necessary. It does not seem to follow that the disallowance of the one statute, would "throw out of use the Revised Statutes 1906".

2. Lord Elgin emphasizes the point, which Sir E. Grey fully appreciates, that it would be an exceptional measure to disallow an Act of the Dominion Parliament.

But if, as the F.O. hold, the legislation is in excess of the powers of the Dominion Legislature, and is in conflict with international duty, such an exceptional measure as the disallowance of the Act would not only be justified in principle, but would be in the circumstances rendered imperative.

The fact that during the past 34 years it has not been necessary to exert the prerogative of disallowing a Canadian Statute cannot, it is submitted, in any way militate against the right or the duty to exercise the prerogative in a proper case.

3. The Act in question not only declares the waters of Hudson Bay to be territorial waters of Canada, as is stated in paragraph 3 of the C.O. despatch, but proceeds to impose a licence duty upon all whaling vessels using the bay. If the views of the F.O. are well founded, the imposition of this fee on any other than Canadian whaling vessels is legally unjustifiable, for it is recognized that "the municipal laws of one nation do not extend in their operation beyond its own territory except as regards its own subjects" (Moore Digest, vol. ii, s. 197, p. 213).

4. The C.O. say that "it must be presumed that the Canadian Govt. are prepared if necessary to justify that declaration by considerations of a more strictly legal character than those which they have up to the present adduced." "Lord Elgin," the despatch continues, "cannot predict the exact line of argument which the Canadian Govt. would take from a legal standpoint."

It would certainly appear from the correspondence which has taken place in regard to this matter [...] that the Canadian Govt. have already adduced in the considered "Report by the Minister of Marine and Fisheries respecting Hudson Bay" the whole of the legal argument upon which they rely.

Indeed, Lord Elgin in his cypher message of the 24 July, 1906 [...], to Governor-General Earl Grey expressly requested "to be furnished with a Report embodying in detail the grounds upon which the responsible Ministers of the Governor-General rely to establish the British status of Hudson Bay, in order that we may be enabled to return early an authoritative answer to the representations which may be expected from the U.S. Govt. in view of the long period during which their vessels have whaled without interference in Hudson Bay."

In accordance with this request the Governor-General in his despatch to Lord Elgin of 22 April 1907 inclosed such a Report prepared by the Minister of Marine & Fisheries, and an approved Minute of the Privy Council submitting such Report.

The Report itself indicates that the Canadian Govt. had made investigation into the various geographical, historical, and legal aspects of the question of the status of Hudson Bay and Strait, and purports to embody in detail the grounds upon which the Canadian Govt. relies to establish British status in Hudson Bay.

In view of this Report it would seem that "the exact line of argument which the Canadian Govt. would take from a legal stand point" might be safely predicted, as it cannot be assumed that the Canadian Govt. are likely to abandon or vary the legal arguments therein contained or to substitute other legal arguments for those contained in their deliberate, exhaustive, and carefully-prepared Report.

5. The arguments presented in the Report were considered in detail, and, it is submitted, refuted, in the F.O. despatch to the C.O. of 23 July 1907 [...].

In answer to that despatch on 24 Sept. 1907 the C.O. replied "But whatever the merits of the abstract controversy as to the matter, Lord Elgin has no hesitation in saying that it is quite out of the question for H.M. Govt. to disallow the Canadian Act when no representations have been made by the Govt. of the U.S." [...].

This would seem to relieve this Department from the need for any further legal argument of the question on its merits, and to remove it from the sphere of law to that of policy.

6. In their despatch of 13 Decr. 1907, which is now under consideration, the C.O. advance apparently on their own behalf and without communication with, or consultation of, the Canadian Govt., certain additional legal arguments and criticism of the F.O. despatch [...].

It is said that that despatch omits mention of the Act of 1690, 2 W & M c. 15, sess. 1, which confirmed the Charter of the Hudson Bay Company "henceforth for ever."

To this the rejoinder is: (i) From an international standpoint the municipal statute could confer no higher right than the Charter. If as this Department considers, the Charter in so far as it purported to grant to the Company in free socage the waters of the great inland sea was ultra vires and nugatory, the municipal statute in so far as it purports to confirm that grant is also nugatory[.] (ii) the Statute of 1690 was an incident of merely transitory and historical interest in this controversy inasmuch as it continued in force for seven years only, and at the most can be regarded merely as an assertion of right over a vast maritime area which was insusceptible of effective occupation.

7. The C.O. despatch continues (para. 5): "It is further possible to argue that the judgment of the Judicial Committee of the Privy Council in the Conception Bay Case (i.e. *Direct U.S. Cable Co v. Anglo American Telegraph Co.*, I R 2 A C 394) might be held to have decided that the waters of Hudson Bay are wholly British."

Such an argument is, in my opinion, untenable, being based upon three fallacies: (i) the assumption that the case decided that Conception Bay was British territory whereas it merely decided that for the purposes of a Colonial Statute Newfoundland had jurisdiction over the Bay, (ii) the assumption that the decision could affect any area other than that the jurisdiction over which was in issue; and (iii) the assumption that the decision of the Privy Council, a municipal tribunal, could have any binding effect internationally.

⁷²³ In its 1910 award in the North Atlantic Coast Fisheries dispute, the Permanent Court of Arbitration held that the United States had acquiesced in the decision of the Judicial Committee of the Privy Council in the *Direct United States Cable Company v. Anglo American Telegraph Company* case.

Dans son arbitrage de 1910 touchant les pêcheries des côtes septentrionales de l'Atlantique, le Court permanente d'arbitrage maintint que les États Unis avaient accepté la décision du Comité juridique du Conseil privé dans l'affaire *Direct United States Cable Company v. Anglo American Telegraph Company*.

The Court also held that the 1818 Convention barred US fishermen from all the bays in the area to which the Convention applied, not just from those with entrances narrower than six miles. It was further held that occasional relaxations in enforcement and "commissions to enforce the Convention regard to bays as to which no controversy arose" should not be construed as remissions of the British position. See James Brown Scott, ed., *Hague Court Reports* (New York: Oxford University Press,

8. In reply to the inquiry made in para 5 of the C.O. despatch, this Department has never suggested that it is not within the power of the Canadian Parliament to prohibit American citizens from whaling in waters which are admittedly territorial waters. The present controversy is confined to the question as to the legality of claiming as territorial waters the open sea known as Hudson Bay beyond the customary three mile limit from the coasts.

9. Lord Elgin (in para 6 of the despatch) draws attention to certain Imperial legislation, Orders in Council, and Letters Patent, subsequent to the Imperial Act of 1690 previously alluded to, which afford recognition of the Charter of the Hudson Bay Company and the rights of the Company thereunder.

As appears from our former despatch, and from our statement in paragraph 6 hereof, this Department considers that any such legislation, Orders in Council, or Letters Patent, are not of international obligation, and that they cannot be construed as conferring upon the Company any proprietary rights in respect of the waters of Hudson Bay outside the customary three mile coastal limit.

As regards the two Opinions of the Law Officers in January 1850, and July 1857, (which I have not seen) to which reference is made by the C.O. in para 6 of their despatch, it does not appear from the extracts which are quoted in the despatch, that [the] attention of the Law Officers on either occasion had been specifically directed to any question relating to the rights of the Company under its Charter over or in respect of the open waters of the Bay. Unless this expressly appears on the wording of the references[,] the general expressions of opinion which are quoted cannot tend in any way to elucidate the question which is now at issue.

[10]. It is asserted in para 7 of the C.O. despatch that any legislative power over Hudson's Bay and Straits possessed by the Dominion Parliament is based on the provisions of the Imperial Statute 31 & 32 Vict. c. 106, under which the Order in Council of 23 June 1870 admitting "Rupert'sland" to the Dominion of Canada was made.

It is pointed out that in section 2 of that Act the term "Rupert'sland" was defined as "including the whole of the lands and territories held or claimed to be held by the said Governor and Company". Assuredly it can not be reasonably contended that these general words of the municipal statute could from the international point of view confer any title to the open sea, even if — of which there is no evidence — the Company had ever claimed to have such title.

The comments which have already been made will sufficiently indicate the views which are held by this Department upon this aspect of the question.

[11]. In reference to the case of *Regina v. Cunningham* (Bell, Cr. Cas. 86) which is cited in paras 7 and 20 of the C.O. despatch as deciding "that at least the whole of the British [Bristol] Channel between the counties of Somerset and Glamorgan was within those counties and British territory"[], it is observable that the sole question involved in that case

1916), pp. 181-190. The award was thus favourable to Canada with regard to Hudson Bay, even though the case of Hudson Bay was not formally part of the dispute.

La Cour statua aussi que la Convention de 1818 interdisait toutes les baies aux pêcheurs américains dans la zone où la Convention s'appliquait, non seulement celles dont les entrées étaient plus étroites que six milles. Il fut de plus déterminé que les assouplissements occasionnels apportés à l'application de la Convention et « le défaut de mettre la prétention à exécution à l'égard de baies pour lesquelles aucune controverse n'a surgi » ne devaient pas être assimilés à une renonciation de la position britannique. Voir James Brown Scott, *Les travaux de la Cour permanente d'arbitrage de La Haye*, New York, Oxford University Press, 1921, p. 190-199. La décision fut donc favorable au Canada pour ce qui est de la baie d'Hudson, même si le dossier de la baie d'Hudson ne faisait pas officiellement partie du différend.

was one of criminal jurisdiction and not of proprietary right. The Court of Queen's Bench was asked to decide whether a particular spot in Penarth Roads in the Bristol Channel (not 10 miles from the coast of Somerset, at which three foreigners on board a foreign ship had committed a crime,) was within the county of Glamorgan, the indictment having alleged the offence to have been committed in that county. The indictment after elaborate argument was sustained, but the case did not decide what was to be regarded as the entrance to the Bristol Channel. The Court certainly expressed the opinion that the whole of the Channel between Somerset & Glamorgan is to be considered as within the counties by the shores of which its several parts are respectively bounded, and it no doubt follows that the Court considered that the Channel so defined was subject to British territorial sovereignty. This opinion, however, does not appear to have been essential to the decision of the precise question at issue.

The late W. F. Hall (International Law, 5th ed., 1904, p. 156) referring to this case says: "It was apparently decided by the Queen's Bench in *Regina v. Cunningham* that the whole of the Bristol Channel between Somerset & Glamorgan is British territory, possibly, however, the Court intended to refer only to that part of the Channel which lies between Steepholm and Flatholm" (which are two islands in the Channel a little South of Penarth Roads). Prof. Westlake citing the same case (International Law, Vol. I, 1904, p. 188 n. 3) says, "An undefined extent of the upper part of the Bristol Channel is still claimed by Great Britain, and is fairly within the principle of gulfs".

The C.O. appear to attach great importance to the argument based on the analogy of this case, but certain it is that this municipal decision as to criminal jurisdiction would lend but small support towards establishing an internationally unassailable claim to the waters of Hudson Bay.

1[2]. The C.O. in para 9 of their despatch do not attempt to refute, if, indeed, they do not admit, the criticism contained in the F.O. despatch as to the absence of effective or exclusive occupation. In this connexion it may be useful to quote the weighty opinion of Prof. Westlake that "it is only in the case of a true gulf that the possibility of occupation can be so real as to furnish a valid ground for the assumption of sovereignty, and even in that case the geographical features which may warrant the assumption are too incapable of exact definition to allow of the claim being brought to any other test than that of accepted usage" (Int Law, Vol. I p. 188). Submitting the present claim to that test[,] it must fail. American whalers have admittedly resorted to Hudson Bay for the past forty years, at least[,] without objection being raised.

1[3]. The C.O. assert (para. 9 of despatch) that "the largest entrance is thus not so wide as the entrance to the Bay of Fundy which H.M. Govt. still regard as British territory."

In making this assertion the C.O. appear to have overlooked the fact that the claim of Great Britain that the Bay of Fundy was a British bay from which U.S. fishermen were excluded by the Treaty of 1818 has been abandoned since 1845 (see Phillimore, International Law, Vol. I p. 289). In the claim of the owners of the U.S. schooner 'Washington,' which had been seized and confiscated for illegal fishing in the Bay of Fundy, the Umpire, M^r Bates, to whom the claim was referred under the Treaty of Washington 1871, held that the Bay must be considered as an arm of the open sea (Report of Commissioners of Claims 1853, p. 170, quoted in Wharton, Digest, Vol III section 305a, at p. 59; see also 23rd Report of International Law Association, 1906 p. 109). The C.O. allusion to the Bay of Fundy is somewhat unfortunate for their case. "The right of the U.S. fishermen to enter and fish in the Bay of Fundy was expressly decided by arbitration in the case of the Schooner Washington, and H.M. Govt. have uniformly acquiesced in that decision" (Wharton Digest of Int. Law, Vol III s 305a p 58). Phillimore (International Law

Vol I p 289) in reference to this points out that "the referees of whom M^r Joshua Bates was umpire decided that the Bay of Fundy was not a territorial bay of Great Britain".

The C.O. (para. 9) also state that the largest entrance to Hudson Bay is "only four miles wider than the entrance to the Bay of Chaleurs which is treated on the footing of British territory by the Imperial Act 14 & 15 Vict c. 56". It was said by M^r Foster (Halifax Commission, 1[8]90)[:] "A good deal of factitious importance has been given to the Bay of Chaleurs from the custom among fishermen, and almost universal a generation ago, of which we have heard so much, to speak of the whole of the Gulf of St Lawrence by that term". "As to the Bay of Chaleurs in its proper sense, conflicts as to fishing, judging from the evidence before the Halifax tribunal[,] are not likely to arise. In the old popular sense of the title it is not outside of the three mile band [of] territorial water" (Wharton Digest of Int Law Vol III s. 305a, p. 59).

1[4]. For the reasons roughly outlined in the previous F.O. despatch, I am unable to agree with the contentions (paras 13 & 14 C.O. despatch) that "the stipulations as to the surrender of Hudson's Bay and Straits in the Treaty of Utrecht must be construed literally, that is as disposing of all the waters within the Bay and Straits without any limitation whatever," and that the stipulations "must be regarded as having the force and authority of an universal international agreement." At the highest such stipulations, it is submitted, can only be regarded as binding as between the actual contracting parties.

1[5]. It is said (para 15) that at the time of the Declaration of American Independence the British title to Hudson Bay and Straits was "undisputed and indisputable."

Whether this can properly be said obviously depends upon the proper construction of the Charter and Treaties from the point of view of International Law, as to which the two Departments take divergent views.

1[6]. It is said (para 15) that it was possible for the U.S. to dispute the British title to Hudson Bay when they attained to independence, but they did not do so & "must be regarded as having acquiesced".

In answer to this it might be urged that until the recent Act of the Dominion Parliament there has apparently been no assertion by Canada of sovereign rights over the waters of Hudson Bay. Moreover, there exists evidence that United States whaling vessels have continually, and as of right, resorted to Hudson Bay and taken whales therefrom, for some forty years at the least, without any objection being raised, or sovereignty asserted, by the Canadian Govt. From this it would seem that Canada has in fact admitted or acquiesced in the right of the United States to use those waters.

The cypher cable of 24 July 1906, from Lord Elgin to Earl Grey, drew attention to the Canadian Order in Council of 2 October 1895, which by including all islands within the three mile limit from the shore in Ungava would appear to have treated Hudson Bay as open sea. It is questionable whether the Govt. of the U.S. would be satisfied with the Canadian Minister's explanation of this in his Report.

It is noteworthy that although the C.O. raise the point that the United States have acquiesced in the alleged British title to the waters, the Canadian Minister of Marine in his Report expressly averred that "the claim to the territorial character of Hudson Bay has not to rely upon a search for precedent or acquiescence".

I have already expressed the opinion (which was adopted in the F.O. despatch [of 23 July 1907] that the United States when they became an independent nation were, and still continue to be, free to raise any questions as to the proper construction of the Treaty of Utrecht and the derivative rights involving their own national interests. To this it might be added that this is open not only to the U.S., but to other nations interested.

[17]. Though Lord Egm is not disposed to attach great importance (see para 16) to the remarks made by Mess^{rs} Gallatin and Rush to the U.S. Govt. in explanation of Article I of the Convention of 1818, the U.S. Govt. would, almost certainly, attach the highest importance to the same, inasmuch as Mess^{rs} Gallatin & Rush were the negotiators of that Convention on behalf of the U.S. In any event any argument before an Arbitral Tribunal on behalf of the U.S. in refutation of the alleged exclusive & sovereign rights of Canada over the waters would, undoubtedly, receive support from the fact that Mess^{rs} Gallatin & Rush[,] in explanation of the exception (in the Convention of 1818) of the exclusive rights of the Hudson Bay Company[,] wrote on 20 October 1818 that "the exception applies only to the coasts and their harbours, and does not affect the right of fishing in Hudson Bay beyond three miles from the shores, a right which could not exclusively belong to, or be granted by, any nation."

Another statement by M^r Rush in this connexion is of considerable importance. "To the clause about Hudson's Bay we did not object, as on examining the Charter to that Company, which we did, it was clear that we should still fish as before the revolution" (M^r Rush's Notes of Negotiation, Monroe Papers, Dept of State, Conference of Oct 19, quoted in Wharton Digest 2nd ed 1887 Vol III p. 60 s. 305a).

This specific assertion, consonant as it is with international usage, and taken in conjunction with continual & uninterrupted use of the waters by the whalers of the United States extending over a lengthy period, would seem to preclude any serious contention as to acquiescence on the part of the United States.

[18]. As to the argument in regard to the Straits of San Juan de Fuca, whether or not there be any agreement between H.M. Govt., and the Govt. of the U.S. as to their territorial character, in Article I of the Treaty of 15 June 1846, which is open to question, the case is widely distinguishable upon geographical and other considerations from that of Hudson's Bay and Strait: "The breadth of the narrowest point (Straits of Juan de Fuca) is believed to be about ten miles" (Moore Digest of Int. Law Vol I p. 658). Moreover, any such agreement would obviously be obligatory merely inter partes, and not of international obligation.

19. In para. 18 of the C.O. despatch it is stated that the judgment of the Privy Council in the Concepcion Bay Case "was expressed in terms ample enough to cover Hudson's Bay."

Whatever may be the amplitude of the judicial utterances in that case, the decision can only be of cogency to the extent of the precise issues which it determined. Moreover, as has already been indicated, being a decision of a Municipal tribunal, an International Tribunal would regard it from the point of view of argument, and not as having any inherent international obligatory force.

The very terms of the judgment pointedly indicate that the Judicial Committee of the Privy Council did not seek to lay down any rule wider than that which was necessary for the decision of the point at issue: "It does not appear to their Lordships that jurists and text-writers are agreed what are the rules as to dimensions and configuration which, apart from other considerations, would lead to the conclusion that a bay is or is not a part of the territory of the State possessing the adjoining coasts, and it has never, that they can find, been made the ground of judicial determination. If it were necessary in this case to lay down a rule the difficulty of the task would not deter their Lordships from attempting to fulfil it. But in their opinion it is not necessary so to do" (I.R. 2 Appeal Cases at p. 420).

[20]. After consideration of all the arguments presented by the Canadian Govt., and by the Colonial Office, in support of the Canadian contention, the view expressed by the Foreign Office in their despatch of 23 July 1907 [...], to which they still adhere, appears to be the one which is the more likely to be accepted by an International Court of Arbitration.

The arguments in support of the Canadian claim to territorial sovereignty over the vast waters of Hudson Bay and Straits may be grouped under three main heads, viz.: (i) considerations of geographical & physical configuration; (ii) historical considerations, involving the interpretation and construction of Charters, Treaties, in particular the Treaty of Utrecht and the Convention, of 1818, and other documents; and (iii) juridical or legal considerations, depending upon the appropriate application of admitted rules of International Law, arguments based on the analogy of international precedents and decisions of municipal tribunals.

While admitting that an ingenious argument may be, and has been constructed on each of these bases, in my view each branch of the argument is capable of refutation, and would probably be rejected in the event of the whole matter being submitted to international arbitration.

Apart from these considerations, however, there remains the important question of policy. On the one hand, the Departmental policy of the Colonial Office seeks to sustain the position which has been taken up by the legislative action of the Dominion of Canada. On the other hand, the Foreign Office, not being convinced of the cogency of the Canadian claim, and viewing the matter from the international standpoint, anticipates the possibility of protest on the part of the Govt. of the United States, or [some] other interested Power, against the action of Canada, which this Department conceives to be in excess of, and unwarranted by, international right. From this point of view, being convinced that the municipal statute of Canada is unjustifiable, it is obvious that this Department in the exercise of its constitutional function of maintaining harmony in international relations has one course alone open, namely, to recommend unequivocally the disallowance of the statute, rather than to await events and incur the risk of international protest. As compared with this risk, the temporary and local inconvenience incidental to the exceptional step of disallowing an Act of the Dominion Parliament must, in the circumstances, be disregarded. For the Department of Foreign Affairs to lend its sanction to the passing of a measure which in its view is calculated to revive in an acute form the old controversy as to the 'mare clausum' would be impossible. The Canadian claim to territorial sovereignty over vast waters, which this Department regards, (and considers that other nations regard), as the open sea, is in their judgment untenable, and cannot be supported in International law. For these reasons it is desired to record as emphatically as possible the opinion that the circumstances are of such exceptional importance as to render imperative and expedient the exercise of the Royal prerogative in disallowing the Canadian Statute in the general interest of foreign relations.

G.H.B. K[enrick] 31/1/1908

I think that we had better prepare a reasoned answer to the Colonial Office letter of the 13th December 1907, - taking that letter paragraph by paragraph and applying to each paragraph the corrective arguments furnished by Mr Kenrick in his most able and extensive memorandum, which forms a most admirable 'brief' of instructions for a reply.

It is useless to attempt to add anything to so complete and monumental a document, but I am glad to see that he has elaborated with great force all the points which I mentioned in my marginal notes in the same sense as that in which I made them.

W.E. D[avidson] 27.2.08.

Mr Kenrick has much the best of the argument, but it is a question of policy for the decision of the Cabinet.

Refer the papers without further delay to the Lord Chancellor, including Mr Kenrick's minute, and reply at the same time to the Colonial Office in the sense of the minutes.

omitting paragraphs 2 and 20. "" and inform them that we are referring all the papers to the Lord Chancellor.

L. M[allet]

Dear Mallet

I suppose this [draft] answer?¹⁴¹ to the C.O. embodying Kenrick's minutes should go to W.F.D., but I think it would be well that you looked at it first to see how far it carries out your views as to omissions of §§2 & 20 vide v. minute []. The insertion of §2 is I think necessitated by the sense, but §20 I have suggested omitting and have proposed a [word illegible: not ilishble] inserted in the margin of the D[ra]ft instead of [it?].

Y[ou]rs

A. L[arcom] 20.3.08

M^r Mallet thinks that this has slumbered so long, that it may now be allowed to sleep

A. L[arcom] 3.VII.08

Put by [...]

[Author unknown/ Auteur inconnu]

181.

Letter from Commander, Canadian Government Expedition, to Assistant Commissioner of Fisheries

Lettre du commandant, expédition du gouvernement du Canada, au sous-commissaire des Pêcheries

LAC/ BAC, RG 23, vol. 242, file/ dossier 1536

Ottawa, January 20th-08

Sir:

I beg to enclose a letter from Mr. Robert Kinnis, owner of the "Scotia" in which he states he refuses to pay the usual licence for Whale Fishing Trade, in Canadian Waters without further enlightenment, therefore I return the letter for your consideration.

Also I beg to advise you that not having met Mr. Noble of Kikerton, Cumberland Gulf, I was unable to collect from him the licence for whale fishing. So far as I have learned, no whale was taken by Mr. Noble, these last two summers. We were also unable to collect dues for the Customs House Department, because we found the Agent at Kekerton, dead.

¹⁴¹ The mis-numbering of sections in Kenrick's original minute from paragraph 19 should has been corrected here. The Foreign Office printed the minute, with the correct numbering. Mallet's note doubt referring to the printed version. La mauvaise numérotation de sections de la note originale de Kenrick à partir du paragraphe 19 et des suivants a été corrigée par le Foreign Office à l'impression. La note avec la bonne numérotation Mallet faisait sans doute référence à la version imprimée.

¹⁴² Not sent./ Non envoyée.

¹⁴⁶ Bernier habitually demanded licence fees from any foreign ships he met near the coast of Bafile Island, whether they were whaling within the three-mile limit or not. It is clear that fisheries officials did not at first realize this, but in 1910 Bernier was reminded that Bernier exigeait habituellement le paiement des droits de franchise de tous les navires étrangers qu'il croisaient près de la côte de l'île de Bafile, qu'ils chassent ou non à l'intérieur de la limite des trois milles ou non. Il est clair que les responsables des pêcheries n'ont pas d'abord pris conscience de cette pratique, mais en 1910 on rappela à Bernier que

the requirements to take out a license can be imposed only on such vessels as actually engage in whaling operations in the waters of Hudson Bay or in Canadian territorial waters. (Verning to Bernier, 4 February 1910, also in file: aussi au dossier 1536.)

I sent him a letter† on my arrival here claiming, the Licence Dues, and I have no reply yet. If I have one I shall forward it to you.²⁴⁷

I shall need from you the necessary instructions with regard to our limit in Northern Waters, so that I shall make no mistake, when I start in the spring.

I remain, Sir,
Your obedient servant.

J.E. Bernier
Commander of "Arctic"

Mr. R.N. Venning
Asst. Comm. of Fisheries
Ottawa

Enclosure: Letter from Robert Kinnes to Commander, Canadian Government Expedition
Pièce jointe: Lettre de Robert Kinnes au commandant, expédition du gouvernement du Canada

Dundee 2nd January 1908

Capt. J.G. Bernier
Fishery Office Ottawa

Sir

I have to acknowledge receipt of your letter† of 16th Dec^r claiming a licensing fee for 1906 & 1907 for the "Scotia".

I have personally been engaged in the Whale Fishing Trade both in Davis Straits & Greenland Waters for the last 40 years & the Company I represent has been in the trade for over 100 years and during all that period we have never been called upon to pay any fishing Licence, neither have I ever received any notification from the Canadian Government that any act to licence the fishing was contemplated nor passed, the first intimation I received was orders passed upon me by the Master of the Diana & the Master of the "Morning" which I paid under protest. I claim enlightenment as to what these licences are to cover & the extent of Territorial Waters claimed to be under your jurisdiction or whether your claim extends to the recognised international three mile limit or beyond it. In common courtesy I think notice of impending changes should have been sent to me before my vessels were pounced upon on the high seas & the Masters practically forced to pass an order upon me.

Yours truly
Robt Kinnes

The Scotia secured her whales during seasons 1906 & 7 in Greenland Waters outside your jurisdiction altogether.

²⁴⁷ The payment was made by Noble. Le paiement fut effectué par Noble. See Voir I R. Gillies to Department of Marine and Fisheries, 21 April 1908, also in file/ aussi au dossier 1536.

182.

Letter from Deputy Minister of Marine and Fisheries to Robert Kinnes

Lettre du sous-ministre de la Marine et des Pêcheries à Robert Kinnes

LAC/BAC, RG 23, vol. 242, file/dossier 1536

Copy/Copie

W.C.²⁴⁸ "Dic."

[Ottawa,] March 30th, 1908.

Sir:-

Captain Bernier has transferred to this Department your letter of the 2nd January last, in which you remonstrate against being called upon to pay for whaling licenses during the years 1906 and 1907 in connection with the whaling steamer "SCOTIA."

You urge that no notification had been given to you as to the intention of the Government to amend the law regarding the whale fishery of Canada, notwithstanding the fact that you had been in the business for forty years and that the Company with which you are engaged has been in the business for one hundred years, during which period no call had ever been made for the payment of fees on whaling licenses.

In this regard I may say that it is obvious that until the law was passed, obliging the taking out of such licenses in connection with whale fishing in the northern waters of Canada, you of course would not have been asked therefor; but as the Government of Canada undertook to organize and establish stations throughout the northern country, only at the time in question was it found necessary to amend the Act and to impose the new conditions; but I may add that I am informed by Captain Bernier that during 1906 he left for the Captain of the "SCOTIA" as well as for others, copies of the law at the station at Ponds Inlet, which he subsequently received.

Under all the circumstances therefore the Department does not see how it would be possible to act otherwise than to demand of the "SCOTIA" license fees for the years 1906 and 1907.

I enclose a copy of the Fisheries Act from subsection 12 of section 9 of which you will observe that vessels on whaling cruises are required to procure a license before being allowed to operate in Canadian territorial waters, and as a matter of fact I am informed by Captain Bernier that the "SCOTIA" was in Ponds Inlet in 1906 and at Cumberland Gulf in 1907.

Captain Bernier has been instructed, if he finds it convenient under the conditions of his voyage this year, that he should form a station at Ponds Inlet and leave some men in charge thereof.

I am, Sir,

Your obedient servant,

[François Gourdeau]

Deputy Minister of Marine and Fisheries

Robert Kinnes, Esq,
Dundee, Scotland.

²⁴⁸ Not identified./ Non identifié.

183.

Letter from Robert Kinnes to Deputy Minister of Marine and Fisheries
Lettre de Robert Kinnes au sous-ministre de la Marine et des Pêcheries
LAC/ BAC, RG 23, vol. 242, file/ dossier 1536

Dundee, 22nd. April [1908]

To the Deputy Minister of Marine & Fisheries,
 Ottawa.

Sir,

I duly received your letter of 30th ulto. in reply to my letter addressed to Capt. Bernier of 2nd. January last.

I have carefully looked over the copy of the Fisheries act which you sent me and while I find your claim to Hudson Bay clearly defined therein,²⁴⁹ I fail to find any definition of what is claimed as territorial waters in Davis Straits. I put this question in my letter to Capt. Bernier that I desired enlightenment as to whether your claim extends to the recognised international three mile limit or beyond it, and I still wait an answer.

I can understand your authority and jurisdiction extending to land stations, on the other hand I fail to see any right to exact a licensing fee from vessels that do not capture whales within this limit, further I consider I have a vested right in this particular trade as it has been carried on by the Company I represent, & also by myself long before your Government took any interest in, or laid any claim to that locality.

I am, Sir,

Yours faithfully,

Robt Kinnes

184.

Letter from Deputy Minister of Marine and Fisheries to Robert Kinnes
Lettre du sous-ministre de la Marine et des Pêcheries à Robert Kinnes
LAC/ BAC, RG 23, vol. 242, file/ dossier 1536
Copy/ Copie

W.C.²⁵⁰ "Dic."

[Ottawa,] May 8th. 1908.

Sir:—

I have to acknowledge the receipt of your letter of the 22nd. April, replying to mine of the 30th. March last, regarding the recent claim to territoriality of Hudson Bay and the northern waters of Canada.

You ask that the Department should clearly define its exact position with regard to the claim to territorial waters in this district, and in the meantime you fail to see any right to exact a license fee from whaling vessels in the vicinity; also that you have a vested right in

²⁴⁹ Another letter of the same date from Kinnes, also in file 1536, enclosed the fee for whaling by his ship *Active* in Hudson Bay. Une autre lettre à la même date de Kinnes, aussi au dossier 1536, contenait les droits acquittés pour la chasse à la baleine par son navire *Active* dans la baie d'Hudson.

²⁵⁰ Not identified./ Non identifié.

this particular trade, as it has been carried on by the Company you represent and by yourself long before the Government took any interest in it or had any claim to the locality.

In reply I may say that this Department is not prepared at the moment to give any specific definition of the extent of the claim of the Canadian Government to territoriality of the waters in these remote northern districts. There may be varying conditions surrounding the several localities calling for differential treatment in regard to specific claims, and as before stated the Department is not at present prepared to give any definite ruling on this point.

With regard to your claim of vested right because of the interest your Company has had in this district prior to any action of the Government towards organization, I may say that it is not clear how your operations there could affect the right of the Government to take active measures at any time it chose for the organization of this remote district, and the fact that this was not done before was due to a lack of means at the disposal of the Government as well as a want of formulated policy in this regard.

The Government takes the ground that if in connection with the operations pursued by any of the Companies there, landings are effected and commercial intercourse with the natives is carried on, it is necessary to impose the small license fee involved for a tangible control of the territory.²⁵¹

I am, Sir,

Your obedient servant,

[G.J. Desbarats]

For Deputy Minister

of Marine and Fisheries [François Gourdeau]

Robert Kinnes, Esq,
Dundee, Scotland.

185.

Letter from Assistant Under-Secretary of State for Foreign Affairs to Under-Secretary of State for the Colonies

Lettre du sous-secrétaire d'État adjoint aux Affaires étrangères au sous-secrétaire d'État aux Colonies

TNA, CO 42/924

Foreign Office

May 20th, 1908.

14001/08.

Immediate and Confidential.

Sir:-

With reference to your letter of February 21st last, I am directed by Secretary Sir F. Grey to state that he considered it advisable to refer to the Lord Chancellor the claim of the

²⁵¹ Kinnes continued to maintain that he should not have to pay licence fees for whaling outside the three-mile limit in Davis Strait, and in 1912 the new deputy minister, Alexander Johnston, acknowledged the correctness of his position. Kinnes continua de soutenir qu'il n'aurait pas dû avoir à payer des droits pour chasser la baleine à l'extérieur de la limite de trois milles dans le détroit de Davis et, en 1912 le nouveau sous-ministre, Alexander Johnston, reconnut la validité de sa position.

See Voir Kinnes to Johnston, 20 December 1911, and Johnston to Kinnes, 14 February 1912, also in file aussi au dossier 1536.

Canadian Government to exercise territorial jurisdiction over the whole of the waters of Hudson's Bay.

A copy of Lord Loreburn's memorandum on the subject is now enclosed herewith for the confidential information and consideration of the Secretary of State for the Colonies.

A copy has already been communicated informally to Lord Crewe by Sir E. Grey.²⁵²

I am, Sir,

Your most obedient,
humble Servant,

Louis Mallet

The Under Secretary of State [Sir Francis Hopwood],
Colonial Office.

Enclosure: Memorandum by Lord Chancellor

Pièce jointe : Note du lord chancelier

Printed copy/ Copie imprimée

There are two questions raised in these papers:—

1. Whether or not a Canadian Act, declaring Hudson's Bay in effect to be territorial water, and imposing a license fee on all vessels whale fishing there can be successfully defended.

2. What course should be pursued as a matter of policy in view of this Canadian claim.

In regard to the first of these questions I do not believe that any impartial Arbitrator would entertain the idea of treating Hudson's Bay as a *mare clausum*.

I think it is a mistake to treat controversies of this kind as if you could found upon logical inferences finely reasoned from the vague language of Charters or of Treaties. Many of the old Charters and the old claims (alike of England, Spain, and France) to possessions in the New World were of the widest description, and each nation has protested against the generality of the other's pretensions in forgetfulness of a similar error in its own. The United States in turn has been just as inconsistent in alternately advancing and denouncing titles of this kind on its own frontiers and in South America (*e.g.* Behring Sea, Alaskan Boundary and Venezuelan controversies, *cum quibusdam aliis*). Municipal Acts of Parliament are obviously not binding on foreign nations and Treaties only bind the parties to them. So far as I can see here neither Charters nor Treaties nor Acts of Parliament definitely and unequivocally claim this status for Hudson's Bay. Such a claim would have been imperfectly understood in early days. But even if they did so claim in the most explicit manner it would by no means conclude a question in which the whole world has an interest. What counts is not the existence of unilateral documents, but the hard fact of user and occupation following upon a claim or the recognition of a claim by other nations because it has been preceded by user and occupation. Of this there is not a vestige in the Canadian contention. On the contrary, it is admitted that since 1861 at all events (and quite likely long before that) American whalers have uninterruptedly and of right fished in Hudson's Bay. That fact alone would suffice to dispose of this question, in my view.

²⁵² A.B. Keith wrote a minute, dated 1 May, on this previous copy of Loreburn's memo:

A.B. Keith rédigea une note, datée du 1^{er} mai, sur cette copie antérieure de la note de Loreburn :

I venture to say, with the greatest deference to the Lord Chancellor, that the proposed intimation to Canada would be the most unfortunate step in our relations with the Dominion since the Alaska affair. (TNA, CO 42/923.)

In regard to the arguments arising from the geographical configuration of this bay, there are no rules of international law and no principles of international usage which determine what are the physical requisites of a *mare clausum*. Indeed, when the infinite variety of inclosed or partially inclosed waters is considered, it is obvious that no such principles can be formulated, except in the most elastic terms. The shape and size of the waters in question, the nature and width of the approaches to them, their position as a means of access to the territory of one or more nations or of passage to the waters beyond, are all ingredients and have to be considered as a whole. We are dealing with a sea 800 miles long by 600 miles in width at some parts, with seven entrances from the western end of the Straits, of which one is 29 miles and another 16 miles wide, and Hudson Strait is 460 miles long and 100 miles broad. Nothing short of an exclusive enjoyment or control, acquiesced in by nations in general, could make such a sheet of water territorial, and I do not find any instance quoted, in modern times, of any ship having been excluded or any act of sovereignty acquiesced in.

Notwithstanding the elaborate contentions of the Colonial Office, I cannot think that any weight of instructed opinion, either in Europe or America, would sustain us in arguing that the Canadian Government could treat Hudson Bay or Strait as territorial.

Upon the second point, I cannot say whether the contention of Sir Charles Lucas in his letter[†] of 21st February, 1908 (that disallowance would not have the desired effect) is sound in law, because the Canadian Acts are not before me. If it be so, this technical point would not much signify. The important point is whether His Majesty's Government should afford any degree of sanction to an untenable claim by deliberately allowing an Act which affirmed it, when they have [it] in their power to disclaim responsibility for that claim by public disallowance of the Act. I must observe, however, that the precedent of a Colony seeking to affirm by Colonial Statutes without the previous approval of His Majesty's Government propositions affecting the territorial rights or claims of other nations is very dangerous.

I think the "third alternative" suggested in Mr. Mallet's Minute (undated)²⁵³ to document 32027 has much to commend it, namely, that the Act should not be disallowed, but Canada should be formally notified that we cannot defend the position if assailed.

It seems almost the only course, now that Canada has confronted us with a peremptory choice, either to face the odious duty of disallowing the Act, or to accept some degree of responsibility towards foreign nations for a claim which is quite destitute of merit. My difficulty in accepting the "third alternative" is that it would leave the formal sanction to a claim which will not only be scouted by the United States, but will be used against us with deadly effect, unless we effectively repudiate it, in future disputes as to fisheries. And it is clearly against our interests, I should say, to encourage the enlargement of their territorial waters by other nations.

These considerations will no doubt be before the Cabinet, and at present I will say nothing further on the question of policy. It might be possible to say to Canada that the Act is not disallowed, but that, as at present advised, His Majesty's Government do not adopt its description of the status, and cannot undertake to maintain the claim as accurate or valid against other nations.

(Signed) Loreburn.

Kingsdown, Dover, April 21, 1908.

²⁵³ See/ Voir doc. 178.

186.

Letter from Permanent Under-Secretary of State for the Colonies to Under-Secretary of State for Foreign Affairs

Lettre du sous-secrétaire d'État permanent aux Colonies au sous-secrétaire d'État aux Affaires étrangères

TNA, FO 371/587

Downing Street,
21 May, 1908.

Immediate
15408/1908

Sir,

The Earl of Crewe has had under his consideration the opinion of the Lord Chancellor dated the 21st of April, on the question of the Canadian Act respecting Hudson's Bay, and he desires me to offer the following observations on the subject.

2. As far as Lord Crewe can judge, on one or two points of the question, the information supplied to the Lord Chancellor would hardly appear to be correct. It is certainly not admitted that since 1861 American whalers have "uninterruptedly and of right" fished in Hudson's Bay. American vessels have occasionally both fished in Hudson's Bay and made use of the shore (to the use of which on no conceivable theory they are entitled) without interruption for the simple reason that there was no official of the Canadian Government on the spot to interrupt, nor, as regards fishing in the sea, any Canadian law applicable. But ever since the Canadian Act of 1906 (6 Ed. VII c. 13) was passed, the licence fee on whaling vessels has been collected without protest or demur on the part of the United States Government. There are, therefore, instances of very recent date of the exercise uninterrupted and unquestioned – of Acts of sovereignty.

3. Nor has Canada confronted His Majesty's Government with any "peremptory choice" in the matter. By the effect of 3 Ed. VII cap. 61 no choice, at all, indeed, is left to His Majesty's Government, as the Act 6 Ed. VII cap. 13 having been incorporated in the Consolidated Statutes issued under the Act 3 Ed. VII cap 61 has the force of law and cannot be disallowed. It is therefore not open to His Majesty's Government to do more than inform the Canadian Government that the claim to regard Hudson's Bay as territorial waters of Canada cannot be defended if questioned.

4. Lord Crewe is satisfied that any such intimation would be undesirable. It would in all probability be resented by the Dominion Government as inimical to the principle of Canadian self-government. If the United States Government should protest, it would clearly be the duty of His Majesty's Government to take into careful consideration what attitude should be adopted on their part, but, in the absence of any protest from that Government, to make a communication on the subject to the Government of Canada might, in Lord Crewe's opinion, be productive of injury to the good relations between this country and the Dominion. Public opinion in Canada is still very mindful of the outcome of the Alaska Boundary arbitration, and Lord Crewe would be unwilling to involve His Majesty's Government in a controversy on a question which touches what are regarded in Canada as vital interests, and in regard to which every self-governing dominion would sympathise with Canada.

5. His Lordship will, in deference to the Lord Chancellor's views, drop the proposal formally to sanction [the] Act 6 Ed. VII cap. 13, but he cannot see any useful purpose in delaying sanction of the Statutes of Canada for the 3rd Session of Parliament, 1906-1907,

including the Act 6 and 7 Ed. VII. cap. 43, and he proposes to intimate non-disallowance of those Acts forthwith.

6. I am to add, in order to obviate misunderstanding, that Lord Crewe does not express any opinion on the merits of the question at issue. He is merely concerned at present with the aspect of the case as affecting the relations of His Majesty's Government and Canada, which at this moment are all that could be desired.²⁵⁴

I am, Sir,

Your most obedient servant,

Francis J.S. Hopwood

The Under Secretary of State [Sir Charles Hardinge]
Foreign Office.

Minutes/ Notes

The C.O. are naturally annoyed at our view of the matter being sustained by the Lord Chancellor, but when they practically accuse us of supplying H.L. with incorrect information, it is hardly fair. We submitted the printed correspⁿ and left him to draw his own conclusions.

As the question of policy is, I believe to be reviewed by the Cabinet there seems no ground for further observation pending their decision as to the course to be pursued.

Sir E. Davidson

A. L[arcom]

Was there anything in the papers submitted to Lord Loreburn to show that there have been recently "uninterrupted and unquestioned acts of sovereignty" as stated in this letter?

L. M[allet]

"The exercise — uninterrupted & unquestioned — of Acts of Sovereignty" referred to by the C.O. is, as they themselves admit, "of very recent date", i.e. since 1906[?], the date of the act the disallowance of which is in question. The state of things upon which Lord Loreburn has based his opinion, was the position of affairs long prior to, and leading up to the passing of that act; and it is in view of these, as I understand, that he states that "American whalers have uninterruptedly and of right fished in Hudson's Bay."

The C.O. contention does not therefore seem to invalidate Lord Loreburn's conclusion.

A. L[arcom]

No.

L. M[allet]

Not a bit. Moreover "uninterrupted and unquestioned" use is not to be established in the course of 1½ year[s] by one or two "instances of very recent date" even if the C.O. contention had been relevant to the Lord Chancellor's conclusion.

W.E. D[avidson]

I think this is to be discussed by the Cabinet on Friday.

C. H[ardinge]

²⁵⁴ Lord Crewe sent a copy of this letter directly to the Lord Chancellor. Lord Crewe writes a note accompanying this letter directly to the Lord Chancellor. See: Voir TNA, CO 42 923.

I discussed this with the Lord Chancellor & Lord Crewe today: we agreed that Canada should be informed that this act was contrary to our view of international law, but that in view of the fact that this is in practice a question between Canada & the United States and as the United States make exceptions to international law about some of their own waters, H.M. Govt. do not disallow the Act. The form of words is not yet drawn up.

E. G[rey]

187.

Despatch from Secretary of State for the Colonies to Governor General
Dépêche du secrétaire d'État aux Colonies au gouverneur général
LAC/BAC, RG 7 G-21, vol. 169, file/ dossier 296

Downing Street,
 25 June, 1908.

Secret

My Lord,

His Majesty's Government have had under their consideration the arguments of the Canadian Government on the subject of the territoriality of Hudson's Bay, forwarded in Your Excellency's despatch Secret of the 22nd of April 1907.²⁵⁵

2. His Majesty's Government recognise to the full the importance²⁵⁶ of maintaining the claim to British sovereignty over the waters of the Bay.

3. At the same time His Majesty's Government feel bound to point out that the claim is one which they are advised that it would be difficult to sustain before an arbitral tribunal,²⁵⁷ while its nature is such as to render reference to such a tribunal practically inevitable should such reference be desired by any Power questioning the Canadian claim.²⁵⁸ That claim rests primarily on the Charter of Charles II in 1670 and on the terms of

²⁵⁵ The Lord Chancellor approved the original draft of this letter, but changes were suggested by the Foreign Office. Arthur Keith of the Colonial Office disagreed with most of the suggestions, and a compromise was worked out by Sir Charles Lucas. Le lord chancelier approuva l'ébauche originale de cette lettre, mais des modifications furent suggérées par le Foreign Office. Arthur Keith du ministère des Colonies fut en désaccord avec la plupart des suggestions et un compromis fut trouvé par sir Charles Lucas.

²⁵⁶ The draft reads: / L'ébauche indique :
 the importance to Canada and to the Empire. (TNA, CO 42/924.)

²⁵⁷ The draft reads: / L'ébauche indique :
 the claim is one which they have the highest authority for stating would be difficult to support before an arbitral tribunal.

The Foreign Office suggested the wording: / Le Foreign Office suggéra la formulation :
 the claim is in conflict with the principles of international law which His Majesty's Government have consistently maintained against foreign powers generally. It would therefore be difficult for His Majesty's Government to support it before an arbitral tribunal. (TNA, CO 42/924.)

²⁵⁸ Neither the United States nor any other nation did question the Canadian claim. In 1930 Lester Pearson was one of the Canadian delegates to a conference on the codification of international law at The Hague. He reported to O.D. Skelton that in a private conversation with one of the United States representatives, he had been assured the US would never contest Canada's stance on Hudson Bay. Ni les États-Unis ni aucune autre nation n'a remis en question la revendication canadienne. En 1930, Lester Pearson fut un des délégués canadiens à une conférence sur la codification du droit international à La Haye. Il rapporta à O.D. Skelton qu'au cours d'un entretien privé avec un des représentants des États-Unis, il avait eu l'assurance que les E.-U. ne contesteraient jamais la position du Canada sur la baie d'Hudson.

See/ Voir Pearson to Skelton, 31 March 1930, LAC/ BAC, RG 25, vol. 764, file/ dossier 289.

Article 10 of the Treaty of Utrecht in 1713, nor can it be denied that the Charter and the Treaty alike purport to treat as vested in His Majesty the sovereignty over the Bay. But the claims made to maritime jurisdiction in the 17th and 18th centuries have steadily been curtailed by the operation of International Law in the 19th century. In 1674 – only four years after the date of the Charter – the treaty of Westminster recognised that the British seas extended from Finisterre to Stadland in Norway, and there is a strong *prima facie* argument that the one claim is just as much or as little defensible as the other. The reference to the exclusive rights of the Hudson's Bay Company in the treaty of 1818 does not specify those rights and the only quasi contemporaneous exposition of the rights is that of Messrs Rush and Gallatin and it is directly opposed to the British contention. That exposition was not addressed to or accepted by His Majesty's Government, but the United States Government would appeal to it, and taken in conjunction with the modern rules of International Law, it would doubtless have great weight with an arbitral tribunal, which would be inclined to rank the British claim to Hudson's Bay as of the same character as that of the United States to the Behring Sea.²⁵⁹

4. Nor is the argument from the case of Delaware and Chesapeake Bays conclusive as against the United States. For both those bays are much more truly bays than Hudson's Bay and in neither case does the width of the opening approach 29 miles, the apparent width of the entrance to Hudson's Bay from East Digges Island to Nottingham Island.

5. His Majesty's Government have no desire to under-estimate the force of the arguments from the actual configuration of the Bay and the fact that its shores are everywhere exclusively Canadian territory, but they doubt whether these facts would outweigh the general inclination of Jurists to restrict narrowly the limits of territorial waters – an inclination which His Majesty's Government share on grounds probably well known to your Ministers. They trust however that the question of the status of the Bay may not be raised, and they will be glad to be informed from time to time of the steps taken to assert British sovereignty therein and on the adjacent Islands and coasts.

6. In a numbered despatch of even date, I am intimating that His Majesty will not be advised to disallow the Act 6 Ed. VII C. 13.

I have the honour to be,
My Lord,
Your Lordship's most obedient
humble Servant,
Crewe

Governor General His Excellency
The Right Honourable The Earl Grey, G.C.M.G.
&c., &c., &c.

²⁵⁹ For the sources used in drawing up this paragraph, see: Pour les sources utilisées lors de la rédaction de ce paragraphe, voir doc. 177.

188.

Despatch from Secretary of State for the Colonies to Governor General
 Dépêche du secrétaire d'État aux Colonies au gouverneur général
 LAC/ BAC, RG 7 G-21, vol. 169, file/ dossier 296

Downing Street,
 25 June, 1908.

No. 370

My Lord,

I have the honour to inform you that His Majesty will not be advised to exercise his powers of disallowance with respect to the Act, No. 13 of 1906, of the Legislature of Canada, entitled "An Act to amend the Fisheries Act" a transcript of which accompanied your despatch No. 83 of the 5th of March 1907.

I have the honour to be,
 My Lord,
 Your Lordship's most obedient
 humble Servant,
 Crewe

Governor General His Excellency

The Right Honourable The Earl Grey, G.C.M.G.
 &c., &c., &c.

189.

Instructions from Acting Deputy Minister of Marine and Fisheries to Commander,
 Canadian Government Expedition

Directives du sous-ministre par intérim de la Marine et des Pêcheries au
 commandant, expédition du gouvernement du Canada

BANQ, fonds J.-E. Bernier, 1960-01-140, vol. 1, dossier « Correspondance 1908 »

Dic[tated] by (O.G.V. S[pain])

Ottawa July 18th, 1908.

Sir:—

The work that the Department propose that the "ARTIC" should accomplish during her coming voyage to the northern parts of Canada is as follows:—

In the first place, as you have already been informed,[†] two tons of provisions are to be landed for Dr. Cook at Cape Sabine on your voyage north,²⁶⁰ and also a number of bibles for Mr. Peck at Ponds Inlet.

You will leave Quebec as soon as you have your stores, provisions, officers and ship's company on board. [...]

On leaving Quebec you will proceed north, calling at Chateau Bay, and communicate with the Department from the latter place. You will then go on to Port Burwell and proceed some distance into Hudson Straits, taking particular note of the ice conditions, so as to

²⁶⁰ The government had agreed to do this following a request from Cook's wife, Marie. Le gouvernement s'entendit sur cette mesure à la suite d'une demande de l'épouse de Cook, Marie. See correspondence in/ Voir la correspondance dans LAC/ BAC, RG 42, vol. 142, file 27330.

enable you to make as full a report as possible on your return. After this continue north, going into Cumberland Gulf calling at all the whaling stations. From this place you will proceed to cross to the Greenland shore and work up towards Melville Sound, and from thence make for the entrance to Lancaster Sound.²⁶¹ From here push down the Sound and proceed as far west as possible. The country on either side should be visited, all the old depots should be examined, and you will take a look at, as far as conditions will permit you, the various Sounds and Straits leading north and south from Melville Bay (Sound) and Bank [Barrow] Strait.

As you were informed on your last voyage, a great deal must be left to your own good judgment, as master of the vessel and officer in charge of the expedition. Finding impassable ice in one direction, you may possibly have to turn to another, as there is no doubt that conditions vary each season. Melville Sound may be blocked, and after looking into Regents Inlet, it may be that a passage can be found down into the Gulf of Boothia or even as far as Victoria Strait. All this depends on the ice conditions, and only when you are on the spot can you best decide in your own mind where to go.

In regard to your return to Quebec, you are allowed a great deal of latitude in this respect, and you may return, either as late as possible in the fall of 1909, or if you yourself consider that good work can be done, and the interests of the country better served by remaining in these northern waters, you are at liberty not to return till the following year. Of course it is unnecessary for me to inform you that you are to communicate with the Department on every possible occasion, and also to inform me at what place mail matter can reach you, and which route would be the best to send it by.

You will take possession of Banks Land and any other land in the vicinity. You have already been fully instructed as to the procedure of taking possession of these northern lands, and you will carry this work out in the same manner as you did on the previous occasion.

You will prepare a statement and leave it for record in the Department before you sail of your main points of call north, and at each point a cairn should be built and a statement left of your next point of call, so that in case of any accident your movements could be traced by a relief ship, which would be sent after you.

You will also select a point of rendez-vous in case of accident and send the name of the place selected to the Department before you sail.

In a cruise of this important nature a great deal is left to your own discretion, and the Minister desires me to state, that I am to impress upon you, the necessity of being most careful in all your actions, and not to take any course which might result in complications with any foreign country, when any action on your part seems likely to give rise to such a contingency you will hold your hand, but fully report the facts of the case upon your return.

You will give every assistance to officers of other Departments who accompany you in the performance of their duties, at the same time, it is to be thoroughly understood that you are the officer in charge of the expedition, and upon you rests the responsibility for the lives and goods committed to your care, and in conclusion I am requested by the Minister to convey to yourself and those on board the C.G.S. "ARTIC" an expression of his best wishes for your safe return.

²⁶¹ Marginal note: Note marginale :

This is left to your discretion. G. D[esbarats]

Before leaving Quebec send a complete list of everybody on board the "ARTIC" under your command, that is to say, the names of all the officers, ship's company, and anyone else who is proceeding on this northern voyage with you.

I have the honour to be,

Sir,

Your obedient servant,

G.J. Desbarats

Acting Deputy Minister
of Marine and Fisheries

Capt. J.E. Bernier, C.G.S. "ARTIC"

Quebec, P.Q.

190.

**Memorandum from Commander, Canadian Government Expedition, to Acting
Deputy Minister of Marine and Fisheries**

**Note du commandant, expédition du gouvernement du Canada, au sous-ministre par
intérim de la Marine et des Pêcheries**

LAC/ BAC, RG 42, vol. 142, file/ dossier 27330

Quebec, 20th. July, 1908.

Memorandum for

The Acting Deputy Minister [G.J. Desbarats],

Department of Marine & Fisheries, Ottawa.

Sir,

Now that the Arctic is about ready to proceed on her journey North it is my duty to make it clear to the Department what work has yet to be done to annex the balance of the Arctic islands, to collect licences from the whalers wherever they be and also to collect Customs dues.

So soon as possible the Arctic ought to leave direct for Cape York and Cape Sabine, as per instructions† from you dated the 27th. June last (Ref. 27330), in which letter I am authorized to take a ton of provisions to the vicinity of Cape Sabine, Ellesmere Land for the accommodation of Dr. Cook who is reported to be in need.

At that time of the year the whalers are not in the neighbourhood and it would be an opportune time to annex the islands that were surveyed by Capt. Sverdrop, in 1902, the coast area of which is about 1500 miles. To make this annexation we will require to go to Jones Sound and, if feasible, enter the Arctic Sea by Carrigan [Cardigan] Strait; if not feasible we would retrace our steps to Lancaster Sound, Barrow Strait, Austin Channel across Byam Channel into Melleville Sound and proceed westward along the coast of Melleville Island as far as possible to annex Banks Land and Prince Albert Land, and if McClure Strait is clear make the North-West passage and go towards Herschell Islands to

winter.²⁶² If McClure Strait is not passable it would be advisable to pass the winter in Winter Harbour or Bridgeport Inlet so that during the spring we would go across on the ice and annex Banks Land and Prince Albert Land.

During this voyage records will be left at Etah, Cape Sabine, Cone Island off North Lincoln and on the South-West part of North Kent, Carrigan Strait. Then at Lancaster Sound, at Erebus Bay, North Devon, Cockburn Point, Bathurst Island and at Deafy Island or Winter Harbour, Melleville Island, so that the Arctic could be retraced if needed. Those records will be flagged on top of cairns and located on prominent points so that they may be easily noticed.

At Winter Harbour our cairn will be at the large stone on which the name of Pattv's ship has been cut.

In case the Arctic wintered at Melleville Island we would retrace our steps back to Albert Harbour, Pond's Inlet so as to intercept the whalers and receive our mail which could be sent by Scottish whalers who leave Dundee, Scotland on or about the 10th of April of each year, as Captain Milne of The Eclipse has kindly promised to take for us, or the mail could be sent by any other ship that may be going in that direction, no later than the first day of April.

Your obedient servant

J.E. Bernier
Commander.

191.

Letter from Commander, Canadian Government Expedition, to Deputy Minister of Marine and Fisheries

Lettre du commandant, expédition du gouvernement du Canada, au sous-ministre de la Marine et des Pêcheries

LAC/BAC, RG 42, vol. 142, file/dossier 27330

Pond's [Inlet,] Sept. 2n[d, 1909]²⁶³

Mr. G. Desbarats,

Deputy Minister, Marine and Fisheries,
Ottawa.

Dear Sir;

I beg to inform you that the "Arctic" arrived her[e] yesterday from Melville Island, without any accident and all hands onboard are well.

²⁶² On 10 March 1908 Minister Brodeur had announced that a plan for the *Arctic* to go through the Northwest Passage and visit Herschel Island was under consideration. On 20 May Prime Minister Laurier mentioned Bering Strait as Bernier's destination. The sentence in Bernier's orders instructing him to proceed as far west as possible was therefore presumably meant to indicate that he should attempt to reach Herschel Island and Bering Strait. See Canada, *House of Commons Debates*, 10th Parliament, 4th session, vol. 84, cols 4747-4749 and vol. 86, col. 8864.

Le 10 mars 1908, le ministre Brodeur avait annoncé que l'on considérait un plan pour passer par le passage du Nord Ouest et se rendre dans l'île Herschel dans l'Arctique. Le 20 mai, le premier ministre Laurier mentionna le détroit de Bering comme destination de Bernier. La phrase dans les ordres de Bernier lui ordonnant de se rendre aussi loin à l'Ouest que possible voulait donc probablement signifier qu'il devrait tenter d'atteindre l'île Herschel et le détroit de Bering. Voir Canada, *Comptes des communes. Débats*, 10^e législature, 4^e session, vol. 84, cols 4946-4948 et vol. 86, col. 9282.

²⁶³ Document torn./ Document déchiré.

After having landed provisions for Dr. Cook at Etah on August 19th, 1908, she proceeded westward as far as Melville Island, where we arrived on August 28th.

An advance depot was placed in the neighbourhood of Cape Providence, and during the winter Banks Land and Victoria Land were visited, and taken possession of. Bay of Mercy was visited, and no trace of the ship "Investigator" was left in the harbour. The large depot left there by Captains McClure and Krabbe had been evidently removed, by some person or persons unknown, (probably by American Whalers). For the covers of the stores were found and peices of rope, were brought back as evidence to show that they had been found, as well as 7 tons of coal. The whole of the spars which were about fifty feet away had been removed. We have evidence that the bay has been open.

The North West passage can be made in favourable seasons. The years 1906 and 1908 were favourable years, for such an undertaking.

Banks Land and Melville Island are well supplied with large game. We secured all the fresh meat that we needed during the winter.

This year, it has been a very bad season for ice, for we had to fight our way from Melville Island to Cape Hotham, North Cornwallis. We have navigated and sounded Byam Martin and Austin Channels.

On the first of July 1909 we left a Memorial Slab on Parry's Rock, Winter Harbour, of our taking possession for the Dominion of Canada of the Whole Arctic Archapelago from 60 west Long. to 141 west Long. up to 90 north.²⁶⁴

We left Winter Harbour on the 12th of August. On our arrival here yesterday, we found our mail and two boxes of matches for which we are greatly oblidged.

Captain Adams of the Steam Yatch Morning is the only vessel that has landed here to date, and I cannot find out where the other Whalers are, so I leave now in pursuance of my instructions. I cannot tel where the whalers will be floud [found].

I expect to leave at day-light tomorrow as soon as the fog lifts. The ship is in good condition, and our supply of coal is enough, as far as I can tell at present.²⁶⁵

I have the honor to be

Sir,

Your Obedient Servant,

J.E. Bernier

[Com]mander,²⁶⁶ C.G.S. "Arctic."

²⁶⁴ On the government's response to this claim, see Introduction./ À propos de la réponse du gouvernement à cette revendication, voir l'introduction.

²⁶⁵ Bernier did not make any serious search for the other whalers after he left Pond Inlet on 3 September. Instead, although his instructions permitted him to stay for another winter, he returned south. Captain Adams had given him a letter from Frederick Cook, dated 23 May 1909, in which Cook announced that he had reached the North Pole. This news likely influenced Bernier's decision to return. He immediately made the letter public, and the charges against Robert Peary in it created a sensation.

Bernier ne conduisit aucune recherche sérieuse pour les autres balemiers après avoir quitte l'inlet Pond le 3 septembre. Au contraire, même si ses instructions l'autorisaient à y demeurer un autre hiver, il retourna dans le sud. Le capitaine Adams lui avait remis une lettre de Frederick Cook, datée du 23 mai 1909, dans laquelle Cook annonçait qu'il avait atteint le pôle Nord. Tout porte à croire que cette nouvelle a influé sur la décision de Bernier de revenir. Il rendit immédiatement publique la lettre, et les accusations contre Robert Peary qui s'y trouvaient firent sensation.

See "Voor "Brings Cook's First Account of Journey: Capt. Bernier, Back from the Arctic, Shows Letter Written by Cook at Upernavik," *New York Times*, 6 October 1909, p. 1.

²⁶⁶ Document torn./ Document déchiré.

192.

Decoded Telegram from Secretary of State for the Colonies to Governor General
Télégramme décodé du secrétaire d'Etat aux Colonies au gouverneur général
LAC/BAC, RG 25, vol. 1095, file/dossier 1909-238

London, 10th Sept. 1909

FROM LORD CREWE TO LORD GREY.

Following question is to be asked in the House of Commons on Monday next: Begins: Whether Canada makes claim upon all land intervening between the American border and the North Pole and if that claim is made in any treaty or constitutional article or documents ends: If your Government agree it is proposed to reply that the Secretary of State for the Colonies understands that the Government of Canada has not made a formal declaration of the exact limits of its possessions northward. See your despatch²⁶⁸ of 22nd April 1907 No. 188.

193.

Decoded Telegram from Deputy Governor General to Secretary of State for the Colonies
Télégramme décodé du député du gouverneur général au secrétaire d'Etat aux Colonies
TNA, CO 42/931

[Ottawa,] 11th September, 1909

Your telegram of 10th September it is²⁶⁹ was understood that Dominion of Canada claims all land intervening between the American border and the north pole

[Charles Fitzpatrick]

Minutes/ Notes

M' Just

Notwithstanding this tel., I still believe it is true that the Canadian Gov. have never made any formal claim to all this territory. In 23704 04²⁷⁰ is enclosed a Minute by their Astronomer claiming the Northern Archipelago in general terms and resting the claim on discovery by British navigators, &c., going on to claim as territorial, the waters of this northern archip²⁷¹ & the waters of Hudson Bay & Strait.

The minute of the Privy Council, forwarding this memo, merely deals with the waters of Hudson Strait, formally claiming them as territorial waters appertaining to Canada.

²⁶⁸ This despatch (CO 42/912) forwarded a copy of Pascal Poirer's 20 February 1907 speech in the Senate. On behalf of the government, Sir Richard Cartwright had declined to hold a vote on the formal sovereignty declaration advocated by Poirer. See Canada, *Senate Debates*, 10th Parliament, 5th session, pp. 266-274.

²⁶⁹ Cette dépêche (CO 42/912) envoyait une copie du discours du 20 février 1907 de Pascal Poirer au Sénat. Au nom du gouvernement, sir Richard Cartwright avait refusé de tenir un vote sur la déclaration officielle de souveraineté proposée par Poirer. Voir Canada, *Senate Debates*, 10^e législature, 5^e session, p. 284-294.

²⁷⁰ Doc. 139.

In the corresp. which followed, we therefore dealt only with the question of Hudsons Bay and as regards that H.M.G. have been unable to accept the arguments & views of the Canadian Gov¹ [...]

As regards the Northern Archipelago, we have so far not examined the statements & arguments of the Canadian Astronomer, which, as I have said above, do not appear to have been formally adopted by the Canadian Gov¹, but *prima facie* there seems to be something to be said on the other side.

It seems to me to be very inexpedient to say anything very definite as to Canada claiming the whole of this unknown territory, as this might mean the re-opening of the Hudsons Bay question, which is most undesirable for the reasons indicated in our Secret desp on 20253/08.²⁶⁹ (See especially end of penultimate para of that despatch.)

Perhaps the best reply would be, following exactly Sir G. Parker's question[:]

I understand that Canada considers itself entitled to claim all lands intervening between the American border & the North Pole, but that claim has not hitherto been formally made (in any Treaty or Constitutional Article or Document).²⁷⁰

G.W. J[ohnson] 13/9

Sir F. Hopwood

I understand the question is postponed until Wednesday.

[H.W. Just?]

(a) We must consult F.O. as to the answer

(b) and we should, I think, let the Canadian government know what we mean to reply

(c) the question may have to be postponed again

H.W. J[ust] 13/9

(a) yes

(b) certainly

(c) perhaps Col Seely will arrange

F.J.S. H[opwood] 13

I will endeavour to arrange, but Sir G.P. is anxious to fire his shot.

J. S[eely]

So proceed

C[rewe] 14/IX

M^r Just

The F.O. think it undesirable for us to consult Canada again (lest they should suggest something still more inconvenient) & that Sir G. Parker need therefore not be pressed to postpone his question.

F.O. prefer that the answer should run (the first part being as proposed in [the] tel. to Canada) –

²⁶⁹ Doc. 187.

²⁷⁰ Marginal note:/ Note marginale :

Omit. [H.W. Just]

Just's comment applied to the words within the brackets, which he likely added. Le commentaire de Just s'appliquait aux mots entre parenthèses, qu'il a probablement ajoutées.

"The S. of S. understands that the Canadian Gov. has have not made a formal declaration of the exact limits of their possessions northwards but it is believed that if they considers ~~itself~~ themselves entitled to claim all the land referred to by the Hon. gentleman."

G.W. J[ohnson] 14/9

H.W. J[ust] 14/9

Sir F. Hopwood is away.

[H.W. Just?]

I should much prefer to answer in less pompous style, but no doubt we had better agree with F.O., except as to 'its' grammar.²⁷

J. S[ely] 14/9

C[rewe] 15.IX

194.

Letter from Comptroller, Royal North-West Mounted Police, to Superintendent of Fisheries

Lettre du contrôleur, Royale gendarmerie à cheval du Nord-Ouest, au surintendant des Pêcheries

LAC/BAC, RG 23, vol. 242, file/ dossier 1536

Ottawa, December 20th, 1909.

Sir,

I have the honour to acknowledge your letter²⁸ of the 18th instant respecting U.S. vessels wintering at Herschell Island.

My information is that no vessel wintered at Herschell Island last year, the Whalers having moved further East.

We have three or four Police stationed at Herschell Island who are available for any duty your Department may wish them to perform, but in transmitting instructions I shall be glad if you will include an interpretation of "Territorial Waters" as coming within Canadian jurisdiction in the Arctic Ocean, in connection with whaling.

The vessels operating there are all from the United States and I am under the impression that they use the Canadian shores for wintering purposes only, not for whale fishing.

I have the honour to be,

Sir,

Your obedient servant,

Fred^d White
Comptroller.

R.N. Venning, Esq.,
Superintendent of Fisheries,
Ottawa.

²⁷ Seely made the proposed reply on 15 September 1909. Seely donna la réponse proposée le 15 septembre 1909. See Von United Kingdom, *Parliamentary Debates, Commons*, 5th series, 28th Parliament, 4th session, vol. 10, col. 2128.

²⁸ The Department of Marine and Fisheries had received a report from the Yukon that numerous American whalers were operating in Canadian territorial waters. Le ministère de la Marine et des Pêcheries avait reçu un rapport du Yukon selon lequel de nombreux balemiers américains étaient actifs dans les eaux territoriales canadiennes. See Voir H.E. McKay to Venning, 18 November 1909, also in file aussi au dossier 1536.

195.

Letter from Superintendent of Fisheries to Comptroller, Royal North-West Mounted Police

Lettre du surintendant des Pêcheries au contrôleur, Royale gendarmerie à cheval du Nord-Ouest

LAC/BAC, RG 18, vol. 384, file/dossier 1910-69

Ottawa, December 22nd, 1909.

Sir,—

I beg to acknowledge the receipt of your letter of the 20th instant, touching my inquiry with regard to Whaling Vessels Wintering in the vicinity of Herschell Island.

I note you say that the Vessels operating there are all from the United States, and that they resort to the Canadian shores for Wintering only, and not for Whale fishing, and you ask for an interpretation of "Territorial Waters" as coming within Canadian jurisdiction in the Arctic Ocean.

To this inquiry I may say that the general interpretation of Canadian waters embraces three miles from the shore and the well recognized Bays, although any interpretation involving exclusion from the Bays must proceed on the Headland Doctrine. At present, and for some years past, the instructions to the Canadian Fisheries Protection Cruisers have been not to permit United States Fishing Vessels to approach within three miles of a line drawn across any Bay where it ceases to be more than six miles wide.

I think it would be safe to follow this interpretation in the waters of the Arctic although notwithstanding the instructions above explained, and the temporary interpretation placed upon the Convention of 1818, for expediency neither Great Britain nor Canada has ever relinquished any portion of their claim to the adoption of the Headland Doctrine, and it may yet be deemed advisable to exclude Foreign Fishing Vessels from Canadian Bays, no matter how extensive they may be.

This point will probably form one of the questions which will be settled by the arbitration at present proceeding at The Hague in connection with the North Pacific Fisheries question.²⁷³

I should be obliged if you would be good enough to inform me if you could within reasonable time ascertain from your Officers exact information as to the Vessels Wintering in the vicinity of Herschell Island, and whether they do as a matter of fact engage in whale fishing operations within Canadian territorial waters in the vicinity.

If, however, there are no means of soon obtaining this information, I could, if you think best, forward you some books of Whale Fishery License Forms, which you could now send

²⁷³ This was likely a misstated reference to the North Atlantic fisheries arbitration. / Il s'agit probablement d'un renvoi erroné à l'arbitrage touchant les pêcheries des côtes septentrionales de l'Atlantique.

to your Officers with instructions as to their issue to Vessels or Boats engaging, or desiring to engage, in Whaling operations within Canadian territorial waters

I desire to express the best thanks of the Department for your courtesy and the services of your Officers there.

[...]

I am, Sir,

Your obedient servant,

R.N. Venning,
Superintendent of Fisheries.

The Comptroller [Frederick White],
Royal North West Mounted Police,
Ottawa.

196.

Letter from Comptroller, Royal North-West Mounted Police, to Deputy Minister of Marine and Fisheries

Lettre du contrôleur, Royale gendarmerie à cheval du Nord-Ouest, au sous-ministre de la Marine et des Pêcheries

LAC/BAC, RG 23, vol. 242, file/ dossier 1536

Ottawa, February 1st, 1910.

Dear Mr. Desbarats,

Referring to your letter† of the 19th instant asking me to get further particulars respecting the operations of whaling vessels at Herschell Island.

An Officer of the Mounted Police who was stationed at Herschell Island for several years tells me that, with the exception of the Winter quarters on the Island, which are not occupied now, none of the whalers have buildings on shore, and as a rule only approach the shores for the purpose of picking up drift wood to save their coal.

That an occasional vessel has reducing plant, but the majority of them simply take the whalebone and throw the flesh &c. overboard.

That with regard to whales being caught in Territorial waters it is probable that some are caught within three miles of the small Islands, of which there are many, between Herschell Island and Baillie Island, but the Police have no facilities for following them.²⁷⁴

Yours very truly,

Fred^d White

He is now in Toronto. If you wish I will call him to Ottawa to see you. F.W.²⁷⁵

G.J. Desbarats, Esq.,

Deputy Minister of Marine and Fisheries,
Ottawa.

197.

Despatch from Governor General to Secretary of State for the Colonies

Dépêche du gouverneur général au secrétaire d'État aux Colonies

TNA, CO 42/948

Government House, Ottawa.
26 August, 1911.

No. 471

Sir,

In compliance with the request contained in your despatch[†] of the 31st July last, marked "Library", I have the honour to transmit, herewith, a copy of a letter[†] from the Department of His Majesty's Canadian Secretary of State for External Affairs forwarding a copy of the report on the Dominion of Canada Government Expedition to the Arctic Islands and Hudson Strait on board the D.G.S. "Arctic" by Captain J.E. Bernier, Officer in Charge and Fishery Officer.²⁷⁶

I have the honour to be,

Sir,

Your most obedient
humble servant,

Grey

The Right Honourable Lewis V. Harcourt, M.P.,
Secretary of State for the Colonies.

²⁷⁴ With the decline of the whaling industry, it was not considered worthwhile to monitor American activities in this regard. However, the Americans continued to trade along the Arctic coast, and for customs purposes, the police developed a system whereby constables were placed on board foreign ships. See doc. 318, enclosure.

Étant donné le déclin de l'industrie baleinière, il ne fut pas considéré utile de surveiller les activités américaines à cet égard. Cependant, les Américains poursuivirent le commerce le long de la côte arctique et pour des raisons douanières, la police développa un système où des constables étaient placés à bord des navires étrangers. Voir doc. 318, pièce jointe.

²⁷⁵ Marginal note: / Note marginale :

Thank him for the information and say Dept does not desire to have the officer called to Ottawa but if he happens to return via Ottawa and remain over any time [we] would be pleased to confer with him. R.N. V[enning] 7 Feb'y 10

²⁷⁶ *Report on the Dominion of Canada Government Expedition to the Arctic Islands and Hudson Strait on board the D.G.S. "Arctic"* (Ottawa: Government Printing Bureau, 1910).

Minute/ Note

See the tablet in picture opposite p. 194 – the land was presumably Canadian already – see O. in C. 31 July 80 & Mr Keiths note attached. [...]

H. L[ambert] 19/9

C.P. L[ucas] 19[9]

Attachment/ Pièce jointe

Please annex B[ritish] N[orth America] Act or any instrument defining what Canada is

H. L[ambert] 19/9

Canada is not defined anywhere for the purpose of the northern boundary [several words illegible – quelques mots illisibles] for your purpose is the O in C of 1880 which you [will?] see avoids defining it for obvious reasons. The position thus is that Canada can claim all it likes to claim on the ground that it was Brit[ish] terr[itory] and was given by the O in C. of 1880. The picture is [absolutely scandalous?]. [word illegible – mot illisible] I have always thought that it was [wise? well?] to leave it to develop & Canada's policy is to send expeditions from time to time quietly to encrease sovereignty. The extreme nerve of Cap[tain] Bernier is hardly in accordance with the principle of quiet penetration, but the acquies[ence] of the U.S.A. renders Canada's position pretty secure. This is why I do not suggest any action on our part – we once asked for [a] map but they sent none – deliberately I believe.

A.B. K[eith] 19/IX

198.

Letter from Vilhjalmur Stefansson to Prime Minister

Lettre de Vilhjalmur Stefansson au premier ministre

LAC/ BAC, MG 26 H, vol. 234, file/ dossier 2117

[Ottawa,] February 4, 1913.

The Right Honourable R.L. Borden, P.C., K.C., LL.D.,

President of the King's Privy Council for Canada, First Minister

Sir:

According to our conversation today I submit an outline of my proposed third arctic expedition. The statement is intentionally made brief. If an amplification of it should be desired I am at your command until 11:00 P.M. Thursday, February 5th, at which time I shall unfortunately have to leave Ottawa.

A photograph of the plaque erected by Bernier at Winter Harbour on 1 July, 1909, with this inscription: Une photographie de la plaque érigée par Bernier à Winter Harbour le 1^{er} juillet 1909, avec cette inscription :

This Memorial, is I erected today to Commemorate, The taking possession for the "DOMINION OF CANADA," of the whole "ARCTIC ARCHIPELAGO," lying to the north of America from 100° 60' w to 141° w up to latitude 90° n.

I have been informed that the director of the Geological Survey is sending a communication regarding my proposed expedition to your Minister of the Interior.

I have the honor to be
Sir, your obedient servant,

V. Stefánsson

Enclosure: Memorandum by Vilhjalmur Stefánsson
Pièce jointe : Note de Vilhjalmur Stefánsson

PLAN OF A PROPOSED ARCTIC EXPEDITION.

MAIN OBJECT: To discover new land, if any exists, in the million or so square miles of unknown area north of the continent of North America and West of the Parry Islands.

SECONDARY OBJECTS: To gather scientific information and collections in the departments of oceanography, geography, geology, zoology, botany, ethnology and archaeology, and to take meteorological and magnetic observations.

TIME TO BE OCCUPIED BY THE EXPEDITION: Three winters and four summers beginning June 1913 and ending October 1916. The equipment of the expedition needs to be begun at once.

THE SCIENTIFIC STAFF OF THE EXPEDITION: Will consist of at least six specialists in various departments, all of whom will serve without pay.

ITINERARY: There has been secured an option on a suitable ship which should sail in June from some Pacific port through Behring Straits, reaching the mouth of the Mackenzie in July. The ship should thence cruise north to as high a latitude as practicable, which is likely to be to or beyond 76 degrees N. in a good season. If new land is discovered, a base of operations will be established on it; failing that, it will be established on Prince Patrick Island or any point suitable for sledge exploration of the unknown area in winter. A secondary base for scientific exploration will be maintained in South-west Victoria Island the first year and at other places the following years. The field scientific exploration by the expedition may conveniently be made to extend as far south as Great Bear Lake and as far east as King William Island.

COST: The expedition as planned will cost \$75,000, of which \$45,000 has been subscribed by the National Geographic Society and the American Museum of Natural History, and \$5,000 by individuals. The Geographic Society is an international organization founded for the increase and diffusion of geographic knowledge and several thousands of its members are Canadians. The American Museum is supported by the City of New York. The Geological Survey of Canada has already co-operated with the American Museum in an arctic expedition, as stated below.

As the larger part of the labours of the proposed expedition will be in Canadian territory, and as the Dominion of Canada may desire to lay claim to any lands that may be discovered, the Government is respectfully asked to support the expedition by a grant of Twenty-five thousand dollars, the remaining third of the money needed.

NOTES ON FORMER EXPEDITIONS.

The "First Stefansson Arctic Expedition" was to the region east and west of the delta of the Mackenzie river. It was under the joint auspices of Toronto University and Harvard University.²⁷⁶ The time occupied was seventeen months (May 1906 to September 1907).

The "Second Stefansson Arctic Expedition" covered the coast region from Point Hope, Alaska, to Gray Bay, Coronation Gulf, as well as Victoria Island and the mainland as far as Bear Lake. It was under the joint auspices of the Geological Survey of Canada and the American Museum of Natural History.²⁷⁷ The time occupied was 55 months (May 1908 to November 1912). The two expeditions involved over 10,000 miles of travel about the scientific collections made and safely transported home numbered over 20,000 specimens in ethnology, archaeology, geology, zoology and botany. Over 600 photographs were made and scientific notes were taken in excess of 500,000 words. A river 500 miles long was added to the map of Canada, a territory larger than England and Scotland (South Banks and South Victoria Islands) marked "uninhabited" on official maps of Canada for 1906 has been shown to be densely populated, as compared with other Eskimo areas. Copper was discovered for the first time on any of the arctic islands of Canada (in Victoria Island), mica was also found, and coal in several places. The timber line of the maps was changed, mountain ranges, lakes and ship harbors were discovered, and some islands, lakes and a large river found on the maps were shown to be non-existent. The total cost of the last expedition was about \$10,000.

²⁷⁶ In fact, in 1906 Stefansson had abandoned his doctoral work at Harvard University to take part in the Lettingwell-Mikkelsen Expedition, which was already in progress. He received two (very) small grants from the Peabody Museum (affiliated with Harvard) and from the University of Toronto to support his work as anthropologist of this expedition. Stefansson operated more or less independently of the two leaders, Ernest de Koven Lettingwell and Einar Mikkelsen. Nevertheless, to present this work as a separate expedition under Stefansson's own name was a considerable exaggeration.

En fait, en 1906, Stefansson avait abandonné ses études de doctorat à l'Université Harvard pour prendre part à l'expédition Lettingwell-Mikkelsen déjà en cours. Il reçut deux très petites subventions du Musée Peabody affilié à Harvard) et de l'Université de Toronto pour soutenir son travail à titre d'anthropologue de cette expédition. Stefansson faisait ses travaux de façon plus ou moins indépendante des deux leaders, Ernest de Koven Lettingwell et Einar Mikkelsen. Néanmoins, ce fut une exagération considérable de présenter ces travaux comme une expédition distincte portant le nom de Stefansson.

²⁷⁷ This expedition was actually known as the Stefansson-Anderson Expedition. The American Museum of Natural History was the main sponsor, but the Geological Survey of Canada contributed a small amount of funding.

Cette expédition fut réellement connue comme l'expédition Stefansson-Anderson. Le Musée américain d'histoire naturelle en était le principal commanditaire, mais la Commission géologique du Canada contribua au financement avec une petite somme.

199.

Letter from Director, Geological Survey, to Minister of Mines
Lettre du directeur, Commission géologique, au ministre des Mines
LAC/ BAC, MG 26 H, vol. 234, file/ dossier 2117

Ottawa, Feb 4 1913

Dear Mr. Roche,

I enclose a memorandum regarding Mr. Stefansson.

Please pardon the handwriting. The stenographers are gone, and as the Rt. Hon. Mr. Borden has suggested to Mr. Stefansson that the matter might be presented to Council tomorrow, it is necessary to place it in your hands without delay.

Yours respectfully

R.W. Brock

Enclosure: Memorandum from Director, Geological Survey, to Minister of Mines
Pièce jointe : Note du directeur, Commission géologique, au ministre des Mines

Hon. W.J. Roche, M.D., LL.D.,
Minister of Mines
Ottawa.

Dear Sir,

Referring to the Stefansson Arctic Expedition, for the past four and a half years Mr. Stefansson has been engaged in exploration and ethnological work in that portion of Canada lying within the Arctic Circle between the mouth of the MacKenzie river and Coronation Gulf, including Victoria Land. The expedition was under the joint auspices of the American Museum of Natural History and the Geological Survey of Canada. Reports on the results of his work have appeared in the annual reports of the Department for the past four years. It is sufficient to say that the work was done remarkably cheaply; that Mr. Stefansson received no personal remuneration for his services; and that valuable collections have been obtained of ethnological, archaeological and geological material. Interesting records regarding Eskimo that have not yet had intercourse with whites have been secured. Of possible economic importance is information regarding the occurrence of copper in Victoria Land from which the natives secure their supply of native copper. Valuable geographical data has also been secured.

Mr. Stefansson is planning a further expedition on a more elaborate scale to explore the unknown area of the Arctic lying east [west] of Banks Land and the Parry Islands, and to secure further scientific data concerning the Arctic region west of the 90th parallel [meridian]. He has been offered support for this undertaking by the American Museum of Natural History and the National Geographical Society, to the extent of \$45,000. The expedition as planned will require \$75,000. He suggests that the government of Canada again cooperate. The American Museum has also requested the Geological Survey to combine with it in sending Mr. Stefansson back into the region.

Since the work will be almost wholly in Canada and comes within the functions of the Geological Survey it is desirable that we should be actively interested in this exploration of Canadian territory, to the extent at least of having a part in it. It would of course be preferable to have a purely Canadian expedition, but on account of the cost this might not be feasible. Participation to some extent is advisable in case any new lands should be

discovered, a contingency that is not beyond the range of possibility. It is practically the one remaining place in the world where great geographical discovery is possible.

I would respectfully recommend that assistance be granted Mr. Stefánsson to the extent at least of \$25,000. As the expedition will occupy three years the total amount would not be required this year but one half would be needed for outfitting, which is the main expense in connection with the work.

Respectfully submitted

R.W. Brock

Ottawa, Feb 4th, 1913.

200.

Memorandum from President of Privy Council to Governor General

Note du président du Conseil privé au gouverneur général

LAC/BAC, RG 2, vol. 1057

[Ottawa]

On a Joint Memorandum,²⁸⁰ dated 18th February, 1913, from the Minister of the Naval Service, the Minister of the Interior, the Minister of Customs, and the Secretary of State [J.D. Hazen, W.J. Roche, J.D. Reid, Louis Coderre], submitting that Mr. V. Stefánsson, who has previously headed two exploring parties which have examined the northern edge of the American continent in the region adjoining the delta of the Mackenzie river and the coast regions of the Arctic Ocean, is making preparations for another exploring expedition in the northern regions.

That these expeditions, which have been conducted from land, have given remarkable results, and have shown the existence of a tribe of Eskimo in a land which was supposed to be uninhabited.²⁸¹

The Ministers state that Mr. Stefánsson now proposes to equip a whaling vessel and take a party in via Behring Strait to Herschel Island, and from there proceed north and east²⁸² to explore the vast northern seas, which are comparatively unknown to science.

The expedition will conduct its explorations in waters and on lands under Canadian jurisdiction or included in the northern zone contiguous to the Canadian territory. It is,

²⁸⁰ The existence of the so-called Blond Eskimos had in fact been revealed by trader Christian Klengenberg. Stefánsson, who heard the news from Klengenberg at Herschel Island in 1906, sometimes gave Klengenberg the appropriate credit. However, in popular newspaper and magazine articles published in 1912, Stefánsson had implied, though he did not actually state, that he had been the first to encounter these people.

L'existence de ce que l'on appela les « Esquimaux blonds » avait en fait été révélée par le négociant Christian Klengenberg. Stefánsson, qui avait entendu la nouvelle de Klengenberg à l'île Herschel en 1906, attribua parfois à ce dernier le mérite qui lui revenait. Cependant, dans des articles de journaux et de magazine populaires publiés en 1912, Stefánsson laissa entendre, sans l'affirmer expressément, qu'il avait été le premier à rencontrer ces gens.

See/ Voir "Stefánsson's Own Story of His Discoveries," *New York Sun* magazine section, 15 September 1912, "My Quest in the Arctic," *Harper's Magazine*, vol. 126, no. 751 (December 1912), pp. 3-13.

²⁸¹ Stefánsson actually intended to go north and west, along and beyond the 141st W. meridian, in search of the continent that was alleged to exist north of Alaska. Stefánsson desired réellement aller au Nord et à l'Ouest, le long et au-delà du 141^e méridien ouest, à la recherche du continent qui était censé exister au nord de l'Alaska. See/ Voir "Stefánsson to Seek Arctic Continent," *New York Times*, 18 November 1912, p. 5.

therefore, considered advisable that the expedition should be under the general direction of the Canadian Government and should sail under the Canadian flag.

The results of the expedition should give new information about the Canadian lands, which in these regions are comparatively unknown, and may result in the discovery of new islands and lands. The expedition should bring back information as to the minerals which exist in these regions, as to the food fishes which live in the sea, and as to the meteorological and tidal conditions which prevail in these northern latitudes, and, in a general way, should be productive of most interesting scientific information. The expedition would also have occasion to examine into the operations of the American whalers which frequent the northern waters of Canada, and of putting into force the Customs and Fisheries Regulations which these whalers should observe.

It would seem that the Departments of the Naval Service, of Marine and Fisheries, of the Interior, of Customs, and the Geological Survey would all be interested in the results of this expedition, and should co-operate towards its success; while it would seem most convenient that the general direction of the expedition should be entrusted to the Department of the Naval Service.

The expedition would last four years, the scientific parties remaining in the north during this period and the vessel returning to Victoria in the interval if possible.

The expedition had been planned under the joint auspices of the American Museum of Natural History of New York and of the National Geographical Society of Washington, who were to provide a part of the necessary funds. These Societies have, however, agreed to forego their claims to Mr. Stefansson and his services in favour of the Canadian Government.

Mr. Stefansson proposes that his personal services should be free to the Canadian Government, but that the Government should provide the necessary funds to pay the expenses of the expedition; Mr. Stefansson to have full responsibility, and to have the choice of the men going on the expedition; and of the ship, provisions, and outfit needed for the trip.

Scientific studies would be prosecuted during the explorations in geological, geographical, biological and ethnological branches. Soundings would be taken to determine the extent of the northern continental shelf; the depths of the sea would be explored for fish life; the tidal and meteorological observations would be taken, and scientific collections would be made in all these branches, when possible.

Any new or partly unknown lands which the expedition would touch would be observed, positions fixed, and the British flag would be planted on these lands.

An Officer of the expedition would receive authority as Customs and Fishery Officer, and would be empowered to collect customs dues and fishery dues from the whaling vessels frequenting Canadian northern waters.²⁸²

²⁸² The topographer, Kenneth Chipman, was given this authority, and was urged by Stefansson to use it. However, Chipman was extremely reluctant to do so, because the RNWMP at Herschel Island appeared to have the situation well under control, and because he believed Stefansson was trying indirectly to assert a status superior to that of the police.

Le topographe, Kenneth Chipman, avait eu cette autorisation et fut pressé par Stefansson de l'utiliser. Cependant, Chipman était extrêmement réticent à le faire parce que la RGCM-O à l'île Herschel semblait avoir la situation sous contrôle et parce qu'il croyait que Stefansson essayait indirectement de faire valoir un statut supérieur à celui de la police.

See/ Voir Chipman to O.E. LeRoy, 15 July 1915, LAC/ BAC, MG 30 B-66, vol. 1, file/ dossier "January-December 1915."

The plans for this scientific work will be made in consultation with the various technical Officers of the Government, and the results of the investigations and the scientific material gathered by the expedition is to be turned in to the Government, together with written reports setting forth fully the observed facts and the results of the investigations.

The scientific collections made by the expedition are also to belong to the Government.

Mr. Stefánsson would, however, be free to deliver public lectures, write magazine articles, and make general use of the information which he had acquired, provided the first use of this information is given to the Canadian Government.

Mr. Stefánsson estimates that the expenses of the expedition will be from \$75,000 to \$85,000,²⁸³ of which two-thirds would be required this spring for the purpose of buying a vessel and outfitting the party.

The Ministers, therefore, recommend that the Canadian Government provide the funds necessary for the expenses of Mr. Stefánsson's exploration in the northern waters of Canada, and that an item of \$40,000 be inserted in the Supplementary Estimates of 1912-13 for the "patrol of the northern waters of Canada", so as to cover the first expenses of this expedition; another item of \$40,000 to be inserted in the Supplementary Estimates for 1913-14 to cover the further expenses of the expedition, the financial control of this item, and the general arrangements, to be under the Department of the Naval Service.

The Committee concur in the foregoing and submit the same for approval

R.L. Borden

Approved²⁸⁴

Arthur

Feb^y 22nd 1913.

201.

Letter from President, American Museum of Natural History, to Prime Minister
Lettre du président, Musée américain d'histoire naturelle, au premier ministre
LAC/BAC, RG 42, vol. 463, file/ dossier 84-2-1

New York, February [27th, 1913]

Dear Sir:

I desire to acknowledge your courteous letter²⁸⁵ of the twenty-first, informing me of the intention of the Government of Canada to bear all the expenses of the proposed explorations by Mr. Stefánsson and to send out an expedition sailing under the British flag.

While it is a very great disappointment for us to forego this expedition and to relinquish the services of an explorer who has been carrying on our scientific work in the North for so many years, I feel that it is eminently fitting that this work should be undertaken by the Canadian Government, to which the scientific and all other practical results naturally will accrue.

²⁸³ The actual cost was calculated in 1920 as \$536,552.10. Le coût réel fut calculé en 1920 à 536 552,10 \$. See/ Voir LAC/ BAC, RG 42, vol. 490, file/ dossier 84-3-8.

²⁸⁴ Order-in-Council/ Décret du Conseil 1913-406.

²⁸⁵ Borden had written to Osborn and Gilbert H. Grosvenor of the National Geographic Society. Borden avait écrit à Osborn et à Gilbert H. Grosvenor de la National Geographic Society. The letter to Grosvenor is printed in 'La lettre à Grosvenor est imprimée dans Stefánsson, *The Expedition*, foreword/ avant-propos.

The Trustees of this Museum appreciate the fact that your Government is desirous that the lines of investigation begun by Mr. Stefánsson in association with us should be continued, and we shall be glad to consider how far it may be practicable to coöperate.

In the meantime allow me to express my congratulations that the Canadian Government is entering into a project so largely scientific on such a generous scale, enriching the world's store of geographic and zoologic knowledge of the regions of the North.

Believe me,
Very truly yours,
Henry Fairfield Osborn
President.

To the Right Honorable R.L. Borden,
Prime Minister of Canada.

202.

Despatch from Governor General to Secretary of State for the Colonies

Dépêche du gouverneur général au secrétaire d'État aux Colonies

TNA, CO 42/968

Government House, Ottawa.
1st March, 1913.

No. 124

Sir,

I have the honour to transmit, herewith, for your information, copies of an Approved Minute²⁸⁶ of the Privy Council for Canada on the subject of an expedition which the Canadian Government proposes to send during the summer to explore the northern seas and the lands which lie to the north of this Continent.

I am also enclosing a short article from "The Montreal Gazette"²⁸⁷ on Mr. Vilhjalmar Steffánsson, who will be in charge of the expedition.

I have the honour to be,
Sir,
Your most obedient
humble servant,
Arthur

The Right Honourable Lewis V. Harcourt, M.P.,
Secretary of State for the Colonies.

Minute/ Note

Mr Davis,

This is a matter of very considerable interest from a point of view of showing the effort that Canada is making to assert British Sovereignty over the Northern Islands. It is important to note that the American Museum of Natural History has waived its claim to send Steffánsson to the North, and the action taken is all to the good of the claim that the territory is British.

²⁸⁶ Order-in-Council/ Décret du Conseil 1913-406.

²⁸⁷ "Steffánsson's [sic] Far North Plans," *Montreal Gazette*, 27 February 1913, p. 1.

You will note that the British flag is to be hoisted.²⁸⁸

A.B. K[enth] 12th March.

C.T. D[avis] 13.3.13

H. L[ambert] 13/03

H.W. J[ust] 12/3/13²⁸⁹

J. A[nderson] 13.3.13

203.

Letter from Assistant Under-Secretary of State for the Colonies to Under-Secretary of State for Foreign Affairs

Lettre du sous-secrétaire d'État adjoint aux Colonies au sous-secrétaire d'État aux Affaires étrangères

TNA, FO 371/1858

Downing Street,

19 March, 1913.

Confidential.

8358/1913

Sir,

[...] I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before Secretary Sir Edward Grey, the accompanying copy of a despatch²⁹⁰ from the Governor-General of the Dominion of Canada on the subject of an expedition which his Government propose to send during the summer to explore the northern seas and the lands which lie to the north of Canada.

2. I am to invite the special attention of Sir Edward Grey to the statements that it is intended that the British Flag shall be planted on any new or partly unknown lands which the expedition may touch and that the Canadian Government has accepted financial responsibility and control of the expedition as it is intended to conduct its explorations in waters and on lands under Canadian jurisdiction or included in the northern zone contiguous to the Canadian territory.

3. So far as the territory is subject to Canadian jurisdiction there can, of course, be no question as to the propriety of the steps which have been taken by the Canadian Government nor as to the authority which that Government has to deal with the matter. It appears, however, to be implied in the fourth paragraph of the approved Minute of the Privy Council, that the operations of the expedition will extend to territories which, although contiguous to Canadian territory, do not yet form part of it. Sir Edward Grey will remember that there is no definition anywhere of the northern boundary of the Dominion and that that boundary depends upon the Order in Council of the 31st July 1880 (copy

²⁸⁸ This minute is typewritten, instructions to simply send copies to the Foreign Office and the Admiralty have been added in handwriting which does not appear to be Keith's. Another handwritten note on the draft of the 19 March letter to the Foreign Office (see next document) says that the letter was written on verbal instructions from Sir John Anderson.

Cette note est dactylographiée, les directives demandant simplement envoyer des copies au Foreign Office et à l'Amirauté ont été ajoutées à la main dans une écriture qui ne semble pas être celle de Keith. Une autre note manuscrite sur l'ébauche de la lettre du 19 mars au Foreign Office (voir le document suivant) indique que la lettre a été rédigée selon des directives orales de sir John Anderson.

²⁸⁹ The date of 12 March was likely a slip by Just for 13 March. Just s'est probablement trompé en écrivant la date du 12 mars au lieu du 13 mars.

²⁹⁰ Doc. 202.

enclosed) which annexed to the Dominion the British territory specified in the Order, but that the extent of that territory is not precisely defined, being referred to only as "all British Territories and Possessions in North America not already included with[in] the Dominion of Canada, and all Islands adjacent to any of such Territories or Possessions".

4. Sir Edward Grey will no doubt concur in the desirability of the formal taking possession of all lands to the north of Canada which have not yet been annexed by any foreign power, but as he is aware it must be held to be established by the proceedings of His Majesty's Government in connection with the attempted annexation of a portion of New Guinea by the Government of Queensland²⁹¹ that no Colonial Governor or Government has any general delegation of authority from the Crown to annex territory, and Mr. Harcourt is inclined to think that it would be desirable to convey such authority formally to the Canadian Government.

5. As it is uncertain to what extent the territories to the north of Canada are not, in virtue of the Order in Council of 1880, already parts of the Dominion, and as it is not desirable to emphasize the fact that annexation of new territory is taking place, Mr. Harcourt would not propose that any publicity should be given to this authority, but he thinks it would be desirable that the authority should be conveyed, and I am accordingly to enclose the draft[†] of a despatch which he proposes to address to the Governor-General on the subject.

6. Mr. Harcourt would be glad to receive any observations which Sir Edward Grey may desire to offer on the terms of the draft despatch and on the subject generally.

7. Copies of this letter and of the draft despatch to the Governor-General are being sent to the Admiralty.²⁹²

I am, Sir,

Your most obedient servant,

H.W. Just

The Under Secretary of State [Sir Arthur Nicolson],
Foreign Office.

204.

Despatch from Secretary of State for the Colonies to Administrator
Dépêche du secrétaire d'État aux Colonies à l'administrateur
LAC/BAC, RG 7 G-21, vol. 412, file/dossier 10045

Downing Street,
10 May, 1913.

Confidential.

Sir,

I have the honour to acknowledge the receipt of His Royal Highness's the Duke of Connaught's despatch No. 124 of the 1st of March on the subject of the expedition which

²⁹¹ In 1883 the British colony of Queensland took the initiative to annex part of New Guinea, but was subsequently overruled by the Imperial government. En 1883, la colonie britannique du Queensland prit l'initiative d'annexer une partie de la Nouvelle-Guinée, un geste qui fut par la suite annulé par le gouvernement impérial. See Voir Luke Trainor, *British Imperialism and Australian Nationalism: Manipulation, Conflict and Compromise in the Late Nineteenth Century* (Cambridge: Cambridge University Press, 1994), pp. 41-47.

²⁹² Neither the Foreign Office nor the Admiralty suggested any changes to the draft. Ni le Foreign Office ni l'Amirauté n'a suggéré de modifications à l'ébauche.

the Canadian Government propose to send during the summer to explore the northern seas and the lands which lie to the north of the Continent.

2. I have read His Royal Highness's despatch with much interest and have communicated copies of it to the Foreign Office and to the Admiralty.

3. I take this opportunity of stating that His Majesty's Government have had under their consideration from time to time the question of the position of the territories to the north of Canada. As your Ministers are aware, the Order in Council of the 31st July 1880 annexed to the Dominion of Canada all British territories and possessions in North America not already included within the Dominion and all islands adjacent to any such territories or possessions.

4. The full extent of the lands thus annexed has nowhere been formally defined and I observe in the fourth paragraph of the approved minute of the Privy Council which accompanied His Royal Highness's despatch, that reference is made to the expedition conducting explorations in waters and on lands under Canadian jurisdiction or included in the northern zone contiguous to the Canadian territory, while it is stated in the eleventh paragraph of the same minute that the British Flag will be planted on any new or partly unknown lands.

5. So far as the lands on which the Flag is so planted are already, in virtue of the Order in Council, part of Canadian territory[,] no question can arise as to the authority of your Government to deal with the matter, but as it is an established part of the law of the Empire that no Governor has a general delegation of authority to effect annexation of territory, His Majesty's Government are advised that in order to remove any doubt as to the validity of the proceedings of the Canadian Government — with the aim of which they are in full sympathy — it is desirable that formal authority should be given for the annexation of any lands to the north of Canada not already belonging to any foreign power which may not yet be British territory. I have accordingly received His Majesty's commands to convey to the Governor-General authority, with the advice of the Privy Council of the Dominion, to take possession of, and annex to, His Majesty's Dominions any lands lying to the north of Canadian territory as defined in the Order in Council of 1880 which are not within the jurisdiction of any civilised power.²⁹³

6. As it is not desirable that any stress should be laid on the fact that a portion of the territory may not already be British, I do not consider it advisable that this despatch should be published, but it should be permanently recorded as giving authority for annexation to the Governor-General in Council.

7. I have to add that if your Ministers consider it desirable His Majesty's Government will be prepared, when the result of the expedition and the extent of the lands in question are known, to issue a fresh Order in Council supplementing that of July 31st, 1880.

I have the honour to be,
Sir,
Your most obedient,
humble Servant,
L. Harcourt

The Officer Administering

The Government of Canada [Charles Fitzpatrick].

²⁹³ This authority was bestowed on Stefánsson by Order-in-Council 1913/316, approved on 2 June 1913. Cette autorité fut accordée à Stefánsson par le décret du Conseil, 1913/316, approuvé le 2 juin 1913. See 'Voir LAC BAC, RG 2, vol. 1064.

205.

Instructions from Deputy Minister of Naval Service to Commander, Canadian Arctic Expedition**Directives du sous-ministre du Service naval au commandant, Expédition canadienne dans l'Arctique****LAC/ BAC, RG 42, vol. 490, file/ dossier 84-2-55****Cop/ Copie**

[Ottawa,] 29th May 1913.

Sir,

The objects of the expedition, which you are about to lead to the Northern waters of Canada, have been fairly well set out in the Order-in-Council authorizing the expedition; I think it is advisable, for your guidance, to emphasize more fully, and explain, the instructions of the Government with regard to the objects to be attained by the expedition.

PRELIMINARY

The expedition will have two principal objects in view. First, the exploration of unknown seas and lands, and second, the gathering of scientific information with respect to these areas, and also to the partly unknown lands and seas in the vicinity of Coronation Gulf.

To attain these objects, it will be necessary to divide the expedition into two parties.

The first party, headed by yourself, will explore the Beaufort sea, and other unknown waters in that part of the Globe.

The second party, under the direction of Dr. Anderson, will busy itself with scientific work in the extreme northern land of [continental] Canada.

The party will sail from Victoria as soon as possible on the whaling vessel 'Karluk' which has been fitted out at Esquimalt for the use of the expedition. The 'Karluk' will carry the Members of the expedition and the crew of the vessel; all the stores required for the use of the Northern party, and, as far as possible, the stores required for the use of the Southern party.

As, however, it is anticipated that very few of the stores for the Southern party can be loaded on the 'Karluk', arrangements have been made for the purchase of the schooner 'Alaska' for the use of the Southern party.

This schooner, belonging to Mr. Ira M. Rank of Seattle, is to be ready to sail from Nome on July 20th. Any of the stores for the Southern party, which cannot be loaded on the 'Karluk', should therefore, be shipped to Nome by one of the regular steamers; and these stores may be supplemented, if necessary, by further purchases at Nome so that both the Northern and Southern parties may be equipped with full supply of stores, provisions, and scientific equipment necessary for their work on this expedition.

If found necessary, authority is also given to purchase the small sailing vessel, now in the Arctic, for the use of the Southern party.²⁹⁴

The 'Karluk' will leave Nome as early as possible for Herschel Island, from which point she will send back partial reports, and land the Members of the Southern party, and such equipment as she may have carried for them.

²⁹⁴ Marginal note:/ Note marginale :

"Mary Sachs" [Author unknown/ Auteur inconnu]

The ship should not be detained at Herschel Island any longer than possible but should start immediately on her trip north from this point.

NORTHERN PARTY

The principal object of this party will be the exploration of the Beaufort sea. Every endeavour should be used to ascertain whether this vast unknown area is in reality a sea or whether it contains islands or other lands.²⁹⁵

Should any such lands be discovered, they should be taken possession of and annexed to His Majesty's Dominions. The positions of these lands should be fixed, and all information which can be gathered about these lands should be procured.

If no lands exist, information is to be obtained as to the depths and nature of the waters in that region.

A winter base for this first party should be established, either on new lands or on some of the already known Northern lands, such as Prince Patrick's Island.

After establishing this winter base, the 'Karluk' should, if feasible, be sent South for the winter, or, if the vessel is to winter North, she should be sent South the following summer to return for the party the following year.²⁹⁶

The work of the Northern party cannot be definitely specified in detail, it will depend upon circumstances and must be left largely to the judgment of the Leader. The primary object of this party, however, is the discovery of new land and its exploration, and every endeavour should be used to attain this end.

The oceanography of the unknown sea and the exploration of Banks and Prince Patrick's islands are also important, although secondary.

The relative importance of the scientific work of this party is approximately as follows:-

²⁹⁵ Stefansson and others believed that a very large land mass might take up most of the area marked on maps as water. See Introduction. Stefansson et d'autres croient que la majeure partie de la zone indiquée sur les cartes comme étant de l'eau pouvait en fait être occupée par une vaste masse terrestre. Voir l'introduction.

²⁹⁶ In an outline of his plans dated 1 June 1913 (written en route from Ottawa to Victoria and sent to C.D. Hazen), Stefansson stated that after leaving Herschel Island he would take the *Karluk* north along the 141st W. meridian, and that the ship might be caught in the ice. The *Karluk* would then be expected to drift across the polar basin and emerge between Norway and Greenland. Such a drift had been in Stefansson's mind all along, but it was not mentioned to the government until this point. Hazen forwarded the outline to Borden on 11 June.

Dans une esquisse de ses plans datée du 1^{er} juin 1913 (rédigée en route entre Ottawa et Victoria et envoyée à C.D. Hazen), Stefansson indique qu'après son départ de l'île Herschel, il conduira le *Karluk* vers le nord le long du 141^e méridien ouest et que le navire pourrait être pris dans la glace. Le *Karluk* dériverait alors, selon lui, à travers le bassin polaire et émergerait entre la Norvège et le Groenland. Une telle dérive avait été dans l'esprit de Stefansson depuis longtemps, mais n'avait pas été mentionnée au gouvernement avant ce moment. Hazen envoya l'esquisse à Borden le 11 juin.

See. Voir LAC BAC, MG 26 H, vol. 234, file dossier 2117.

The *Karluk* was caught in the ice before it reached Herschel Island. It sank off the coast of Siberia near Wrangel Island in January 1914. Eleven of the men did not survive the subsequent hardships. Stefansson, who had left the ship in the ice near Cross Island, Alaska, made explorations of the northern archipelago and the Beaufort Sea by sledge.

Le *Karluk* fut pris dans la glace avant d'atteindre l'île Herschel. Il coula au large de la côte de la Sibirie, près de l'île Wrangel, en janvier 1914. Onze membres de l'équipage ne survivant pas aux rudes conditions. Stefansson, qui avait quitté le navire dans la glace près de l'île Cross, en Alaska, explora l'archipel nordique et la mer de Beaufort en traîneau.

Exploration (1) geographical, (2) oceanographical and biological (marine), (3) geological, (4) magnetical, (5) anthropological, (6) biological (terrestrial). (Meteorological is not specified as that can always be carried on without interfering with other investigations).

This party venturing into unknown seas, will be exposed to the perils which beset Arctic navigation. The Chief of the expedition will be careful not to endanger the lives of Members of the party, and, while neglecting no opportunity of furthering the aims of the Government, he will bear in mind the necessity of always providing for the safe return of the party. The safety of the ship itself is not so important.

SOUTHERN PARTY.

The stores for the Southern party having been loaded on the 'Alaska' at Nome, or transferred at Herschel Island, from the 'Karluk', the former vessel will take the Members of the party from Herschel Island, or from Nome, as the case may be, and shall proceed to the point selected by the Leader of the party for a base, from which the explorations shall be conducted – this base to be any convenient point in Coronation Gulf, or such other point in that vicinity as may be found advisable.

The 'Alaska' will then be at the disposal of the Southern party for general purposes.

The relative importance of the investigations for this party are:–

(1) geological, (2) geographical, (3) anthropological, (4) biological, (5) photographic.

The Officer appointed to the expedition to take charge of the depot shall make meteorological observations, and attend to chronometers, tide gauge and recording instruments, except when relieved by one of the other officers who is temporarily detained at the depot.

The work of the Southern party shall be primarily the investigation and areal mapping of the copper-bearing and associated rocks of the mainland between Cape Parry and Kent peninsula, and for approximately one hundred miles inland, and on southern and eastern Victoria Land.

The work undertaken by these parties should be of a high order for this class of exploration and should mark a distinct advance over previous work. To secure such results, the geological and topographical sub-parties should follow closely the regular scheme for field parties engaged on reconnaissance work adopted by the Geological Survey. In working from the base depot, these parties should be practically complete, distinct and independent units. This does not imply that a biologist or an ethnologist could not accompany such a party, but merely that the programme of work and freedom of movement should not be interfered with or hampered by biological or ethnological considerations.

The Chief of the Southern party, as executive head, must afford every reasonable facility as circumstances permit to enable these sub-parties to carry out the above important work.

Mr. J.J. O'Neill shall have charge of the geological work and Mr. Chipman of the geographical work with Mr. Cox as his assistant.

The anthropological work shall consist of ethnological and archaeological research. So far as practicable, the work shall be divided between the two anthropologists areally, one being given an eastern and one a western territory. When circumstances force them to work in the same area, Dr. Beauchat shall study religion, festivals, folk-lore, social organization, texts and linguistics, and Dr. Jeness shall study physical characteristics, hunting, fishing and technology in general.

The biological work will consist of marine and terrestrial biology. Dr. Anderson will have charge of the mammalogy and ornithology, and Dr. Johansen (if with the Southern party) of the marine biology, entomology, botany, etc.

In all branches of scientific work, full and representative collections are to be made, so far as possible, for the scientific collections and Museum of the Survey.

REPORTS

Partial reports should be forwarded by the Members of the expedition whenever opportunity offers, and a final report will be made up by the Chiefs and by each of the Members of the scientific staff as soon after the return of the expedition as is practicable.

The general reports, giving the progress of the expedition, and a general account of its work, and its results, shall be addressed to the Deputy Minister of the Naval Service. The scientific reports on general geography, marine biology, magnetic observations, tidal observations, and general results, shall also be addressed to the Deputy Minister of the Naval Service.²⁹⁷

Reports relating to geology, detailed geography, anthropology and terrestrial biology shall be addressed to the Director of the Geological Survey.

GENERAL

The expedition will be under your personal directions and control, and you will give general directions to the various leaders of parties, as may be required.

The Northern party will be under your own immediate charge and control.

The Southern party will be under the direction of Dr. Anderson, the next senior officer of that party being Mr. Chipman, unless some other Member is designated by Dr. Anderson.

Mr. Chipman has been appointed Customs Officer on the expedition, and should be given proper opportunities of carrying out the instructions of the Commissioner of Customs.

In planning the scientific work in the field, and in affording the necessary facilities for its execution, precedence is to be given by the leaders to the various branches of the work in the order of relative importance, already specified.

It may be found necessary for the leaders to assign to the Members of the staff work not strictly within the limits of their scientific branches—for example—such work as assisting other Members of the staff, or of undertaking certain clerical work, or general observations, for the benefit of the expedition.

The Department trusts that the Officers will understand the necessity of such work and will be quite ready to carry out such instructions.

²⁹⁷ The scientific party led by Rudolph Anderson returned in 1916 as planned. Stefánsson remained in the North until 1918. The reports from the two leaders are in LAC, RG 42, vols. 476 and 477, file 84-2-29 (Stefánsson) and vol. 478, file 84-2-33 (Anderson). Copies of a few reports from Stefánsson that never reached Ottawa can be found in SC, MSS 98, box 4, folder 12. Some reports from both parties were published in the annual reports of the Department of the Naval Service and the Geological Survey.

Le groupe scientifique dirigé par Rudolph Anderson revint en 1916 tel que prévu. Stefánsson demeura dans le Nord jusqu'en 1918. Les rapports des deux chefs d'expédition se trouvent dans BAC, RG 42, vol. 476 et 477, dossier 84-2-29 (Stefánsson) et vol. 478, dossier 84-2-33 (Anderson). Des copies de quelques rapports de Stefánsson qui n'arrivèrent jamais à Ottawa se trouvent dans SC, MSS 98, box 4, file 12. Certains rapports des deux parties furent publiés dans les rapports annuels du ministère du Service naval et de la Commission géologique.

On this expedition, as on all Government expeditions, the results attained are for the benefit of the Government. All the information obtained belongs to the Government, and all scientific data, including manuscript notes, specimens, photographs, or any other objects secured by the Members of the expedition, are the property of the Government of Canada and are to be turned in to the Departments as early as possible and not later than the acceptance of the manuscript reports.

Prints and photographs selected by him may be given [to] the leader of the expedition for his own use.

The Members of the party will not engage in any private trading, or make any private collections of specimens or of photographs. They will also refrain from giving out any news of the expedition until authorized. They will not be allowed to write paid magazine articles or other popular descriptions of the expedition for one year after the return of the expedition.

This prohibition does not apply to reports to the Government or to scientific reports to learned bodies.

The Members of the party should bear in mind that on an expedition of this kind, success will be the result of co-operation between the Members, and of loyal support given to the leaders.

While these instructions set forth the desires of the Departments, and it is expected that these will be followed and carried out by all the Members, circumstances may arise which may make it advisable, or indeed imperative, to vary the programme laid out. In such a case, the decision rests with the Chief of the party, and the Members of his staff should carry out his plans and his decisions as though they were part of these instructions.

With the wide experience which you and Dr. Anderson have already had of exploration in the Arctic regions, and considering the very capable scientific men who compose the staff of the party, the Departments are assured that valuable information will be obtained with respect to the regions which you are to explore, and that the scientific data obtained will be of great value both to Canada and to the World at large.

I trust that the expedition will have the success which it merits, and that the Members of the expedition will return in good health and having profited by their stay in the Northern regions.

Yours very truly,

[G.J. Desbarats]
Deputy Minister.

206.

Letter from Commander, Canadian Arctic Expedition, to Deputy Minister of Naval Service

Lettre du commandant, Expédition canadienne dans l'Arctique, au sous-ministre du Service naval

SC, MSS 98, box 4, folder 2

Copy/ Copie

Fort Macpherson, February 12", 1914.

Sir:

The ALASKA and MARY SACHS are unprovided with flags such as are carried by the KARLUK. If you consider they should be supplied with such flags it would be well to

forward them down the Mackenzie River this summer. There should also be some small flags for use in case it is desired to take formal possession of new land.

I should also like to ask instructions as to whether we shall go to any considerable trouble to raise the flag on islands already discovered but upon which the Flag has not yet been raised.

Respectfully,

[V. Stefánsson]

G.J. Desbarats, Esq.,
Deputy Minister of the Naval Service,
Ottawa.

207.

Letter from Deputy Minister of Naval Service to Commander, Canadian Arctic Expedition

Lettre du sous-ministre du Service naval au commandant, Expédition canadienne dans l'Arctique

SC, MSS 98, box 4, folder 2

Ottawa, 31st March 1914.

Sir,

With reference to your letter of February 12th asking for flags in case it should be necessary to take possession of new land.

We are forwarding some flags, but I wish to say for your information that the planting of the flag is not at all a necessary part in taking possession of any new land. The fact of discovery and a proper report of same is what really constitutes the act of taking possession. After that, occupation would be required if it were desired to hold the land against other occupants, and in that case discovery, occupation, possession, etc., would have proper weight. The mere act of planting the flag has more of a sentimental than practical value.

Yours very truly,

G.J. Desbarats,
Deputy Minister.

V. Stefánsson, Esq.,

Commander - Canadian Arctic Expedition, (Northern Division)
Via Nome, Alaska.

208.

Letter from Commander, Canadian Arctic Expedition, to Prime Minister

Lettre du commandant, Expédition canadienne dans l'Arctique, au premier ministre
LAC/ BAC, MG 26 H, vol. 185, file/ dossier 529

N. Lat. 77° 30', W. Long 113° Approx.
June 21st, 1915.

Dear Mr. Borden:

I do not know if for the past two years you have taken especial interest in our Arctic Expedition, but I have always felt that the matter of having new land north of Canada

discovered and explored by Canadians in the service of the Government, appeared to you an important one. I write this on a land that it has been our fortune to discover and take possession of for Canada.²⁹⁸ More than anyone else in the Government I have you to thank for the support which has enabled us to accomplish at least part of the purpose of this Expedition. The writing of this letter may therefor seem superfluous, for it is written to urge the fitness and importance of the continuance by Canadians in the service of the Government of the work of exploring the region between the mainland and the pole until the last mystery is unveiled. We shall do what we can next year, but when the three years assigned us are up there will yet remain much to do. We have had misfortunes, but have accomplished a part of our work nevertheless. What you think of how we have met adverse conditions I do not know, and I do not write to plead any personal cause. But I feel strongly not only that Canada should explore the region to which she lays claim as far as the pole; it is true also that by doing so she makes good her claims. I shall remain ready to volunteer my services for this work, but if it shall seem that my record does not earn further support, then let another carry on the work, so he is a Canadian in Canadian service.

Vilhjálmur Stefánsson

The Hon. R.L. Borden,
Ottawa, Canada.

²⁹⁸ Stefánsson's discovery (called "First Land" on charts of the expedition) consisted of what he believed to be two islands. Stefánsson named the larger one Borden Island and the smaller one Brock Island. In 1947, an aerial survey demonstrated that Borden Island was in fact two separate islands. The northernmost of the two retained the name Borden Island; in 1949 the other was named for the recently retired prime minister, Mackenzie King. Stefánsson's letter was written on the west coast of Mackenzie King Island.

La découverte de Stefánsson (appelée « First Land » sur les cartes de l'expédition) consistait en ce qu'il crut être deux îles. Stefánsson baptisa la plus grande île Borden et la plus petite, île Brock. En 1947, un levé aérien montra que l'île Borden était en fait deux îles séparées. La plus septentrionale des deux conserva le nom d'île Borden; en 1949, l'autre fut rebaptisée du nom du premier ministre récemment retraité Mackenzie King. La lettre de Stefánsson fut rédigée sur la côte occidentale de l'île Mackenzie King.

In 1916 Stefánsson discovered "Second Land" (Meighen Island) and "Third Land" (Lougheed Island). However, it is quite possible that Lougheed Island was not a new discovery at all, since the British explorer Sherard Osborn had sighted what he called Findlay Island in approximately the same location. En 1916, Stefánsson découvrit la « Second Land » (île Meighen) et la « Third Land » (île Lougheed). Cependant, il est fort possible que l'île Lougheed ne fut pas du tout une nouvelle découverte puisque l'explorateur britannique Sherard Osborn avait aperçu ce qu'il avait appelé l'île Findlay environ au même endroit. See: Voir James White, "The Geographical Work of the Canadian Arctic Expedition," *Geographical Journal*, vol. 63, no. 6 (June 1924), pp. 508-525.

For the notes in which Stefánsson claimed possession of his discoveries for Canada, see: Pour les documents dans lesquels Stefánsson revendique ces territoires pour le Canada, voir Stefánsson, *The Friendly Arctic* (New York: Macmillan, 1921), pp. 330, 520, 546-547.

209.

Letter from Deputy Minister of Naval Service to Commander, Canadian Arctic Expedition

Lettre du sous-ministre du Service naval au commandant, Expédition canadienne dans l'Arctique

LAC/ BAC, RG 42, vol. 476, file/ dossier 84-2-29

Copy/ Copie

[Ottawa,] 3rd April, 1918.

Dear Mr. Stefansson:

I have just received a budget of reports from you. Some of these date back as far as the Fall of 1915. I have read them through with much interest, and it is a source of much gratification to the Department, that you succeeded in the exploration of the Northern areas, and have accumulated a mass of information regarding Beaufort Sea, and the new lands, which you located north of St. Patrick's Island.

[...] I note that you read my letter* of November 5th, 1915 to Dr. Anderson, and my instructions to him to complete his work in the summer of 1916. You do not mention having received my letter* of November 17th, the same year, in which I stated, that owing to the War, the Department did not wish to extend the duration of the Expedition, and did not wish to enlarge its scope and explore regions outside of Beaufort Sea. Under the conditions which existed in 1916, and considering the work in which you were engaged at that time, the Department agrees that it was right for you to continue the exploration of the new lands, which you had discovered, so as to bring back complete information regarding them.

The Department sees nothing in its instructions to you to justify you in launching another exploration across the Arctic Ocean towards Wrangel Island. This is a departure from the original scheme, contemplates a lengthening of your absence, and thereby postpones the date on which your reports will be available.

I am writing this on a chance of it reaching you before you leave on this further expedition, so that you may cancel any arrangements which you may have made in this direction, and return South as soon as possible. The Department had expected to see you return in the Fall of 1917, or in the winter immediately following, and was very much

*209 Stefansson had announced this intention in a telegram dated 21 January 1918 and sent on his behalf from Dawson on 28 February. Further details about Stefansson's intentions were contained in a report from the RNWMP, which was forwarded to Desbarats on 3 April. Stefansson avait annoncé son intention dans un télégramme daté du 21 janvier 1918 et envoyé en son nom depuis Dawson le 28 février. D'autres détails sur les intentions de Stefansson se trouvent dans un rapport de la RGNM qui fut envoyé à Desbarats le 3 avril. See: Voir SC, MSS 98, box 4, folder 79, and cf. A.B. Perry to Desbarats, LAC/ BAC, RG 42, vol. 477, file/ dossier 84-2-30.

Stefansson's plan had been formed after he heard from one of the *Kazuk* survivors that new land and allegedly been seen north of Wrangel Island. Finding and claiming this land (which did not in fact exist) was to become an obsession with him. Le plan de Stefansson avait été décidé après avoir entendu de la part d'un des survivants du *Kazuk* qu'une nouvelle terre avait été découverte au nord de l'île Wrangel. La recherche de cette terre qui n'existait pas réellement et en vue de la revendiquer était devenue une obsession chez lui. See: Voir Stefansson, "Plover Land and Borden Land," *Geographical Review*, vol. 11, no. 2 (April 1921), pp. 283-291.

Although he did not make the 1918-1919 trip himself, Stefansson sent out a party commanded by one of his subordinates, Storker Sterkerson. Bien qu'il ne fit pas du voyage de 1918-1919 lui-même, Stefansson envoya un groupe commandé par lui de ses subalternes, Storker Sterkerson. See: Voir Stefansson, *The Friendly Arctic* (New York: Macmillan, 1921), pp. 689-703.

disappointed and astonished on receipt of your telegram,³⁰⁰ stating that you were contemplating a further eighteen months' trip across the Arctic Ocean.

It was with regret that the news was received of your illness at Herschel Island.³⁰⁰ I trust that by this time you have fully recovered, and are able to resume your work, and hope that we shall have the pleasure of seeing you in the summer of 1918, and of hearing from you full details of the very fine work which you have accomplished in the Arctic Regions.

Yours truly

[G.J. Desbarats]
Deputy Minister.

Mr. V. Stefansson, Canadian Arctic Expedition,
C/O Officer Commanding R.N.W.M.P.
Herschel Island.

³⁰⁰ A severe case of typhoid./ Un cas grave de typhoïde.

PART THREE/TROISIÈME PARTIE

1919-1924

210.

Memorandum from Commissioner of Dominion Parks to Deputy Minister of the Interior

Note du commissaire des Parcs fédéraux au sous-ministre de l'Intérieur
LAC/BAC, RG 85, vol. 1203, file/ dossier 401-3

Ottawa, July 11th, 1919.

Memorandum
Mr. Cory,

1. I would recommend that a letter along the lines indicated below be sent to the Danish Government from the Secretary of State for External Affairs. It is understood that Mr. Dagaard Fensen, Direktøren for Styrelsen af Kolonierne, i Grønland, COPENHAGEN, Denmark, is the official of the Danish Government who deals with these matters.

2. From reports¹ that have been received here from Northern Canada, it is understood that as a result of the visits of Arctic explorers to Greenland and Ellesmere Land the Greenland Eskimos are now crossing to Ellesmere Land more frequently than in the past for the purpose of killing Musk Ox. The Government of Canada has created a closed season for Musk Ox throughout the North West Territories and the Arctic Archipelago. This was found necessary because of the great decrease in the number of these animals, even in remote districts. Three (3) marked copies of the North West Game Act, which applies to Ellesmere Land, are enclosed.

3. This question was considered fully at a recent meeting of the Advisory Board on Wild Life Protection and it was decided at this meeting to approach the Danish Government and request their cooperation in the protection of the Musk Ox on Ellesmere Land. In all probability a great deal of good could be done by having the authorities in Greenland acquaint the Greenland Eskimos with the provisions of the Canadian North West Game Act.⁴

J.B. Harkin

W.W. Cory, Esq., C.M.G.,
Deputy Minister, Department of the Interior,
Ottawa, Ont.

¹ Jens Dagaard-Jensen, Direktør for Styrelsen af Kolonierne i Grønland.

² See/ Voir George Comer to Stefansson, 29 May 1919, also in file: aussi au dossier 401-3.

³ 7-8 Geo. V (SC 1917) c. 36.

Because there was no existing administrative structure in the Northwest Territories, responsibility for enforcing the Act had been assigned to the Dominion Parks Branch. Parce qu'il n'existait pas de structure administrative dans les Territoires du Nord-Ouest, la responsabilité d'application de l'Acte fut assignée au Secteur des parcs fédéraux.

⁴ Marginal note:/ Note marginale :
Approved. W.W. C[ory]

211.

Memorandum from Commissioner of Dominion Parks to Deputy Minister of the Interior**Note du commissaire des Parcs fédéraux au sous-ministre de l'Intérieur****LAC/BAC, RG 85, vol. 1203, file/ dossier 401-3**

Ottawa, July 11th, 1919.

Memorandum

Mr. Cory,

1. With further reference to the protection of Musk Ox in Ellesmere Land, I would recommend that a letter be sent to the Danish Government from the Secretary of State for External Affairs.

2. In this letter I would suggest that the Danish Government be asked to allow the Government of Canada to station such officers as may be necessary in Greenland for the purposes of protecting the Musk Ox of Ellesmere Land.⁵

J.B. Harkin

W.W. Cory, Esq., C.M.G.,

Deputy Minister, Department of the Interior,
Ottawa, Ont.

212.

Letter from Deputy Minister of the Interior to Comptroller, Royal North-West Mounted Police**Lettre du sous-ministre de l'Intérieur au contrôleur, Royale gendarmerie à cheval du Nord-Ouest****LAC/BAC, RG 18, vol. 3757, file/ dossier G-516-37****Copy/ Copie**

Ottawa, 18th July, 1919.

Dear Mr. McLean,

Attached hereto is copy of a letter† from Captain G. Comer to Mr. V. Stefansson. You will notice Captain Comer says that the Esquimaux at Etah are likely to do a good deal of hunting at Ellesmere Land now they have discovered that the crossing at Smith Sound is not so dangerous as formerly supposed.

You will also notice that Mr. MacMillan, the Explorer, is going north this summer for a fur company.

⁵ Marginal note/ Note marginale :

Approved. W.W. C[ory]

See Voir Devonshire to Milner, July 31 1919, TNA, CO 42 1011; see also voir aussi Henry Lambert to Foreign Office, 23 August 1919, TNA, FO 371/4084.

These two matters suggest the necessity of the location of a police post to adequately patrol the outlet from Ellesmere Land and contiguous islands. I think this matter has already received some consideration by your Department. I should be glad to receive an expression of your views in this connection.

Yours faithfully,

[W.W. Cory]
Deputy Minister.

A. McLean, Esq., L.L.B., K.C.,
Comptroller, R.N.W.M. Police,
Ottawa, Ontario.

213.

Letter from Comptroller, Royal North-West Mounted Police, to Deputy Minister of the Interior

Lettre du contrôleur, Royale gendarmerie à cheval du Nord-Ouest, au sous-ministre de l'Intérieur

LAC/BAC, RG 85, vol. 1203, file/dossier 401-3

Ottawa, 24th July, 1919.

Dear Mr. Cory,

I have your letter of 18th inst. [...] forwarding copy of one from Capt. Comer to Mr. V. Stefansson re musk-oxen on Ellesmere Land.

Ellesmere Land is so far north that it would be extremely costly and difficult to maintain a Detachment which would adequately patrol the outlet from that and contiguous Islands.

I am, however, transferring your communication to the Commissioner with a request that our detachments at Herschel Island to the North West of the mouth of the Mackenzie River, and at Fullerton near Chesterfield Inlet, Hudson Bay – at which points most whalers to the North call – be notified to warn all traders and Eskimos against any infringement of the North West Game Act.

Yours sincerely,

A.A. McLean
Comptroller.

W.W. Cory, Esq., C.M.G.,
Deputy Minister of the Interior,
Ottawa, Ont.

214.

Note from Acting Secretary of State for Foreign Affairs to Minister of Denmark in
United Kingdom

Note du secrétaire d'État par intérim aux Affaires étrangères au ministre du
Danemark au Royaume-Uni

TNA, FO 371/4084

Copy/ Copie

Foreign Office,
August 27th, 1919.

No. 120284/W/30.

Sir:—

I have the honour to inform you that the protection of the Musk Ox in Northern Canada has lately been engaging the attention of the Canadian Government. From reports received it is understood that as the result of the visits of Arctic explorers to Greenland and Ellesmere Land the Greenland Eskimos are now crossing to Ellesmere Land more frequently than in the past for the purpose of killing the Musk Ox. The Musk Ox has greatly decreased in number even in remote districts, and the Government of Canada has accordingly created a close season for these animals throughout the North-West territories in the Arctic Archipelago.

2. The Canadian Government are desirous of obtaining the co-operation of your Government in the protection of the Musk Ox on Ellesmere Land. It is suggested that the Authorities in Greenland should advise the Eskimos regarding the provisions of the Canadian North-West Game Act, and in order to facilitate this the Government of Canada offer to station such officers in Greenland as may be necessary for this purpose. I have the honour therefore to enquire whether your Government would be willing to cooperate on the lines suggested.

3. A copy of the Canadian Game Act is enclosed, for convenience of reference.

I have the honour to be
with the highest consideration,

Sir,

Your most obedient
humble Servant,

[Curzon]

Monsieur H. de Grevenkop-Castenskiold,
&c., &c., &c.

215.

Note from Minister of Denmark in United Kingdom to Secretary of State for Foreign Affairs

Note du ministre du Danemark au Royaume-Uni au secrétaire d'Etat aux Affaires étrangères

TNA, FO 371/4084

Danish Legation, London,
April 12th 1920.

No. 86 26/t.t.

My Lord,

Referring to Your Lordship's notes No. 120284 W 30 of August 27th and No. 14580 W 30* of November 5th 1919, I have the honour to inform you that my Government at once on receipt of a copy of the first of the abovementioned notes began to confer with the Administration of the Colonies in Greenland concerning the proposed cooperation between the King's Government and the Canadian Government with regard to the protection of the Musk Ox in Ellesmere land.

As a result of these conferences the King's Government beg to state that in their opinion the abovementioned question can only be considered as being of importance to the small tribe of Esquimaux living near Cape York at the Danish Missionary and Trade Station of Thule on the same latitude approximately as Ellesmere land, but - owing to the great distance - not to those Esquimaux who live at the nearest inhabited places to the south of Cape York. The Government therefore submitted the matter to the director of the abovementioned Thule station, Mr. Knud Rasmussen, who thereupon has handed to the Administration of the Colonies of Greenland a statement on the subject in which he comes to the conclusion that he will not need the assistance of the Canadian Government in order to carry out the protective measures indicated in his statement.-

Having acquainted themselves with the statement in question my Government think that they can subscribe to what Mr. Rasmussen says therein and have instructed me to submit a copy of it to His Britannic Majesty's Government. Mr. Knud Rasmussen is, as Your Lordship will see, of the opinion that it will not be possible to stop the hunting of the Musk Ox without disastrous consequences to the polar Esquimaux in those parts of the world before they can be provided with hides from other sources. Thus, however, he thinks will be possible in a few years as a result of the arrangements already made and mentioned in his statement. The hunting of the musk ox by the Esquimaux at Cape York is according to Mr. Rasmussen a consequence of the complete destruction by the various American North Pole expeditions of the reindeer [caribou], previously plentiful in the whole area from Cape York to the Humboldt glacier. Deprived in this way of the reindeer skins necessary to their existence the Esquimaux in the polar region in question were forced for the maintenance of their life to take to hunting the musk ox.-

I have the honour to be,
With the highest consideration,
My Lord,
Your most obedient
humble servant

H. Grevenkop Castenskiold

The Right Honourable Earl Curzon of Kedleston,
etc., etc., etc.

Enclosure: Letter from Knud Rasmussen to Greenland Administration
Pièce jointe : Lettre de Knud Rasmussen à l'administration du Groenland
*Copy of translation/ Copie d'une traduction*⁶

Copenhagen, March 8th 1920.

To the Administration of The Colonies in Greenland,

Referring to the letter† of the 19th February last from the Administration of the Colonies in Greenland regarding the future protection of the Musk Ox in Ellesmere land I desire to make the following statement.

The Polar Esquimaux of the Smith Sound district who at one time migrated to Greenland across Ellesmere land have for many generations known of the existence of vast herds of musk oxen, both in this district and in Grant's land.

These animals were, however, never hunted to any great extent by the Esquimaux, who though they were fond of their flesh as food – greatly preferred the far more practical skins of the reindeer.

Before the period of polar expeditions immeasurable herds of reindeer roamed over the whole area from Cape York right up to the Humboldt glacier.

As early as 1892 the American North Pole expeditions under Peary practised a somewhat ruthless method of hunting within the areas inhabited by the Esquimaux themselves. Previously the reindeer had been felled only with bows and arrows; now fire arms were introduced and the result after twenty years' hunting on land with this weapon is that the reindeer are now exterminated.

After the destruction of the reindeer the American expeditions appeared further West and in the period from 1900 to 1914 started hunting the musk ox on a grand scale, both in Ellesmere land and Grant's land, principally with the object of providing stores of fresh meat for the winter season. On these expeditions the hunters mainly employed were polar esquimaux who thus naturally acquired the habit of hunting the musk ox for their own account, more especially as after the extermination of the reindeer they were in great need of hides for their garments and pallets – the skins for which are indispensable to human life in these regions.

After 1908, in the period which succeeded Dr. Frederik A. Cook's expedition to Heibergs land, in which many esquimaux took part, it became usual for certain trappers, especially such as lived outside the bear districts properly so-called, to cross over to the West side of Ellesmere land every spring in search of skins for the coming winter.

It must, however, be observed that esquimaux expeditions have never had the extension or the destructive effect on the breed which marked the systematically planned American expeditions.

When my arctic station Thule was established at North Star Bay my attention was immediately drawn to these musk ox hunts and I soon realized that their frequency and extent constituted a serious menace to the existence of the breed. It is well known to be a characteristic of this species of big game that even large herds do not attempt to take flight.

⁶ Rasmussen later sent a copy of the Danish version of his letter to Stefánsson. Stefánsson then provided his own, slightly different translation to Harkin. Rasmussen envoya plus tard une copie de la version danoise de sa lettre à Stefánsson. Stefánsson fournit ensuite sa propre traduction, légèrement différente, à Harkin.

See/ Voir Rasmussen to Stefánsson, 11 May 1920, SC, MSS 196, box 5, folder R, and/ et LAC/ BAC, MG 30 E-169, vol. 1, file/ dossier "July 1919-October 1920."

but calmly let themselves be shot down. The herds are, however, so enormous and the territories so immense that the danger of extermination can scarcely yet be described as imminent.

Over and above the efforts which the station has always made to prevent every form of depredation, I have repeatedly held discussions on this subject with the polar eskimaux. But it is clear to me that it would be inadvisable immediately to introduce strict protection as the eskimaux could not be cut off from access to the skins. It will be necessary first to devise some other means of providing skins and thus render these hunting expeditions superfluous, since the musk ox is never hunted for food. The quantities of meat transported across Ellesmere land are insignificant as the sledges are entirely loaded with skins.

The station has therefore adopted the plan of importing reindeer hides, partly through the Greenland Colonial Administration, partly direct from Swedish Lapland. The export prohibitions arising out of war conditions have during recent years greatly impeded these arrangements, but it must be hoped that better times are now in store.

As head of Thule station at Cape York I am convinced that it would be impossible without disastrous consequences to prohibit hunting of the musk ox within the immense hunting areas of the Eskimaux unless effective counterbalancing measures as above indicated are previously introduced.

The havoc wrought by white men should also be made good by them. And it would be morally indefensible first to exterminate the reindeer and then to prohibit the hunting of the musk ox.

It is well known that the territory of the polar eskimaux falls within the region designated as "no man's land" and there is therefore no authority in the district except that which I exercise through my station — an authority which I have hitherto had no difficulty in maintaining chiefly because the polar eskimaux, when reasonably treated,

By "polar eskimaux" Rasmussen meant the "Smith Sound Eskimos" or Inuit of northwestern Greenland. The "territory of the polar eskimaux" was accordingly the area around Cape York which Rasmussen called the Thule District. More precisely, he defined it as the region from Thule (about the northernmost limit of Danish colonization, to the Humboldt Glacier (that is, the east coast of Kane Basin). It was not yet under Danish administration, and hence Rasmussen considered it a no man's land. However, the Danish covering letter did not mention the lack of any official Danish presence in the area, thus leading to confusion in Ottawa.

Par « polar eskimaux », Rasmussen voulait désigner les « Smith Sound Eskimos » (les Inuits) du nord-ouest du Groenland. Le « territoire of the polar eskimaux » était donc la zone entourant le cap York que Rasmussen appelait le district de Thule. Plus précisément, il le définissait comme la région depuis l'île Holms, la limite la plus septentrionale de la colonisation danoise, jusqu'au glacier Humboldt (c'est-à-dire la côte orientale du bassin Kane). Il n'était pas encore sous administration danoise et donc Rasmussen le considérait comme un no man's land. Cependant, la lettre de présentation danoise ne mentionnant pas l'absence de toute présence officielle danoise dans la région, entraînant ainsi de la confusion à Ottawa.

See. Voir Rasmussen, "Thule Distrikt," *Meddelelser om Grønland*, vol. 60 (1921), pp. 517-567, on p. 517 p. 517-567, à la p. 517.

This official Danish translation renders "inden for Landet" ("in this country") as "in the district," perhaps to make it clear that only a limited area was being called a no man's land. If so, it was not enough to convey the required idea to Canadian officials, especially since Stefansson's translation (see n.6, above) used the wording "in this country."

Cette traduction officielle danoise rend « inden for Landet » (« dans ce pays ») comme « in the district » pour être plus explicite concernant que seule une zone limitée était désignée no man's land. Si c'est le cas, ce ne fut pas suffisant pour présenter cette idée aux responsables canadiens, en particulier parce que la traduction de Stefansson (voir n.6, ci-dessus) utilisait la formulation « in this country ».

adopt a very rational attitude towards all decisions which the station considers it advisable to take.

The musk ox hunts have hitherto only taken place in the months of March, April and May, during the remainder of the year these animals are practically speaking protected, and it is to be hoped that it will not be long before the station will be able to agree to their complete protection, but this will not be feasible for the reasons already given, before the quantity of hides needed by the population can be provided from elsewhere.

This plan should, it must be hoped, in consequence of the arrangements already made, be realized within a few years.

Fully conscious of the work which is ahead and of the responsibility I assume, I venture to close with the observation that, in order to carry out the protective measures indicated in this statement, I shall need no assistance whatever from the Canadian Government.^{9 10}

Your obedient Servant

[Knud Rasmussen]

216.

Letter from Vilhjalmur Stefansson to Commissioner of Dominion Parks

Lettre de Vilhjalmur Stefansson au commissaire des Parcs fédéraux

LAC/ BAC, MG 30 E-169, vol. 1

Copie/ Copie

Ottawa, May 15, 1920

Dear Mr. Harkin,

Thinking they may be of some value to you I am setting down a few notes on the letter from Mr. Knud Rasmussen, dated Copenhagen, March 8, 1920, of which you have shown me a copy.

In the second paragraph there is mention of a migration of the Smith Sound Eskimo to Greenland, across Ellesmere Land from Baffin Land. According to a statement from Mr. Elmer Ekblaw, recently published in the *Geographic Review*,¹¹ a reverse migration is about to take place. A considerable part of the Smith Sound Eskimos have announced their intention to move back to Baffin Land by way of Ellesmere Land and North Devon. They expect to spend one winter on the journey, probably either in South Ellesmere or in North Devon relying on musk oxen for food.

Near the bottom of the first page Mr. Rasmussen speaks of the ruthless method of hunting the caribou by the Smith Sound Eskimos at the instigation of Admiral Peary. This

⁹ This final paragraph does not appear in the version of the letter sent to Stefansson. Ce paragraphe final n'apparaît pas dans la version de la lettre envoyée à Stefansson.

¹⁰ On 17 April these documents were forwarded to the Colonial Office, where Sir Henry Lambert observed that Rasmussen had given an "interesting and apparently convincing statement" (CO 42/1025). The Colonial Office, in turn, forwarded the documents to Ottawa.

Le 17 avril, ces documents furent envoyés au ministère des Colonies où sir Henry Lambert remarqua que Rasmussen avait fait une « interesting and apparently convincing statement » (CO 42/1025). Le ministère des Colonies à son tour envoya les documents à Ottawa.

See/ Voir Milner to Devonshire, no. 252, 26 April 1920, LAC/ BAC, RG 7 G-21, vol. 596, file/ dossier 27489.

¹¹ W. Elmer Ekblaw, "A Recent Eskimo Migration and Its Forerunner," *Geographical Review*, vol. 9, no. 2 (February 1920), pp. 142-144.

ruthlessness was in fact due to no instigation of Peary, unless the furnishing of the natives with fire arms might be considered as an instigation. The situation is that when Eskimos get firearms they find that the caribou which were difficult to secure by the old methods are comparatively easy to obtain by the new. This does not necessarily lead to wanton destruction, although there is some, but it leads to a change of habits where a people who formerly depended on the ocean for their food and fuel and clothing now become dependent in the main on the land for their food. This in some districts means the extermination of the caribou. In other districts it means the extermination of the musk oxen. And in some districts it means both. This trouble is the inevitable result of the introduction of fire arms. But it is only a temporary stage. After the extermination of the land animals the people must come back to the sea again for their food, unless they are able to purchase groceries through the sale of furs, and this is not in itself an adequate supply.

The first paragraph of page 2 is deceptive where it says "The skins are indispensable to human life in these regions". The deceptiveness lies in the fact that it implies that musk ox skins are indispensable for human life whereas the real meaning is that reindeer skins and possibly seal skins and walrus hides are indispensable. It is scarcely conceivable that skins used principally for bedding could be "indispensable for life". It is also a well known fact that the Eskimos commonly throw away a large proportion of the musk ox skins they get.

A paragraph on the middle of page 2 speaks of the Eskimos crossing to the west side of Ellesmere Land in search of skins for the coming winter. The implication here is that they were in search of musk-ox skins, but the fact is undoubtedly that they were in search of reindeer skins and fox and polar bear furs and that the killing of musk-oxen was incidental. They probably lived on the musk-ox meat while they hunted for other animals. Of course reindeer skins are of little value in the spring so these expeditions were primarily for foxes and bears as indeed was brought out by the direct testimony on this point by Mr. McMillan before the Reindeer Commission.¹³

In the next paragraph Mr. Rasmussen says that the Eskimo hunting has never had the destructive effect that the American expeditions had. This is probably true but as yet time enough has not elapsed for allowing of the extermination of the musk ox on Ellesmere Land.

That Eskimos unassisted by white men are entirely capable of exterminating musk oxen is well shown in Banks Island where they were very numerous when McClure's expedition

In a polar climate, adequate bedding can of course be a matter of considerable importance. Rasmussen's statement that "after the extermination of the reindeer they were in great need of hides for their garments and pallets" (in the original Danish, "efter Udryddelsen af Rensdyrene var kommet i en meget alvorlig Mangel paa Pelskind og Brøkskind") is certainly rather ambiguous, but need not be read as a claim that muskox skins were as important to the Inughuit as caribou skins, or that the muskox skins were used for clothing. Stetanišson appears to have exploited Rasmussen's poor wording to make him appear deceitful.

Dans un climat polaire, une literie adéquate peut certainement être considérée comme très importante. La déclaration de Rasmussen selon laquelle « après l'extermination des caribous ils avaient grandement besoin de peaux pour leur habillement et leurs paillasses » (en danois original, « efter Udryddelsen af Rensdyrene var kommet i en meget alvorlig Mangel paa Pelskind og Brøkskind ») est certainement plutôt ambiguë, mais ne doit pas porter à croire qu'il affirmait ainsi que les peaux de bœuf musqué étaient aussi importantes pour les Inughuit que les peaux de caribou ou que les peaux de bœuf musqué étaient employées pour l'habillement. Stetanišson semble avoir exploité la formulation imparfaite de Rasmussen pour le faire paraître trompeur.

¹³ See "Voir LAC BAC, RG 33-105, Commission on Possibilities of Reindeer and Musk-ox Industries in the Arctic and Sub-arctic Regions. Commission sur les possibilités d'exploiter les régions arctiques et subarctiques du Canada comme pâturages pour l'élevage de bœufs musqués et de rennes.

spent three winters in that vicinity about 70 years ago. When we came to Banks Island in 1914 the Eskimos themselves did not know that the musk ox were extinct there but neither they nor we saw a single musk ox on Banks Island during the years 1914-1917. Rifles did not have to be introduced in Alaska to exterminate the musk ox from that district; and from the MacKenzie district as far east as Cape Bathurst they were also exterminated by Eskimos and Indians before the advent of whalers.

In the last paragraph of page 2 it is stated that the musk ox herds are so enormous and the territory so immense that the danger of extermination can scarcely yet be described as imminent. That all depends on what you mean by "yet". These lands are not nearly so extensive as those from which the musk ox has already been exterminated. Mr. Rasmussen himself points out that the largest herds are nearly invariably killed to the last animal when seen by Eskimos. When you realize that the Eskimos of Smith Sound drive larger dog teams than any other Eskimos (say 20 dogs to the team) it can be seen that if they live mainly on musk ox even a few families will use up a large amount of meat. It is also true that if they run upon any herds in travelling they are likely to kill them as they pass by even though they cannot use but a fraction of them. The danger of extermination is therefore by no means slight.

At the end of the first paragraph on page 3 Mr. Rasmussen points out that the sledges of the hunters from Ellesmere Land carry practically no meat and are loaded with skins. Mr. McMillan in his testimony said that these skins were in a considerable part those of polar bears but Mr. Rasmussen intimates that they are mainly musk ox skins. If Mr. Rasmussen is right this shows a very considerable and wasteful killing. The Royal Greenland Trading Company carries a large amount of goods to Greenland for exchange to Eskimos and so does Mr. Rasmussen himself. It cannot be difficult in peace times to secure reindeer skins from Norway or Russia to carry to Greenland and if the Eskimos buy these instead of expensive embroidered cloths and the like it will not be necessary for them to use the very inferior musk ox skins for clothing as Mr. Rasmussen implies that they do, or merely for bedding or for sale to traders as I believe they do.

I consider it very important that the Government should not subscribe even by the implication of silence to the last paragraph on page 3 where Mr. Rasmussen says that the territory in question is "No Man's Land". I should think our Government might well take the position that though we have nothing to say about the political status of North Greenland, where Mr. Rasmussen's main trading station is located, we do have very definite authority over all the lands to the west of Baffin Bay, Smith Sound and Robeson channel.

If it suits the government they could concede that if the lives of the Greenland Eskimos do depend on their hunting trips to Ellesmere Land then those trips could be temporarily permitted but that the Government expects any time it becomes satisfied that such hunting trips are not necessary to take steps to prevent them if the Danes are not willing through International courtesy to see that they are not undertaken by residents of their colonies.

I agree with what Mr. Rasmussen says about the ease with which Eskimos can be influenced in their conduct by the wise counsel of those whom they respect. I have always had the highest regard for the great ability which Mr. Rasmussen has shown both in his scientific journeys in the far north and in his writings about the Eskimos which I consider to be in a class by themselves and greatly superior to those of any other explorer who has written about the Eskimos of Greenland. I have also heard from all those who have come in personal contact with him that he is a charming gentleman, energetic, courteous and reliable.

I should think it probable therefore that the situation could be satisfactorily handled by impressing upon him and the Danish Government that what we object to is the killing of musk oxen for the export of hides or the use of musk oxen to live on while they are conducting trapping expeditions to get skins to purchase luxuries from trading companies.

[Vilhjalmur Stefansson]

217.

Memorandum from Commissioner of Dominion Parks to Deputy Minister of the Interior

Note du commissaire des Parcs fédéraux au sous-ministre de l'Intérieur

LAC/ BAC, RG 85, vol. 1203, file/ dossier 401-3

Ottawa, 16th June, 1920

Memorandum:

Mr. Cory.

I beg to return herewith the papers forwarded by the Under Secretary of State for External Affairs, relating to the question of the protection of muskox in Ellesmere Land.

There are two important documents; one a copy of the note from the Danish Minister received by Lord Milner, and the other, a communication from Knud Rasmussen to the Danish authorities.

At the outset I wish to point out that in both these communications there appears to be an inference that the Canadian Government has not exclusive jurisdiction in Ellesmere land. This is a point which I think cannot be overlooked. It seems important to me that it should be made perfectly clear to the Danish authorities that Canada, and Canada alone, is in authority in Ellesmere land.

The original communication to the Danish authorities pointed out that Danish subjects, namely, Greenland Eskimo were making periodical trips to Ellesmere land, Canadian Territory, and were destroying muskox. It was further pointed out that, under Canadian law, permanent protection was provided for these animals. Our request was that the Danish Government should notify its subjects with respect to this Canadian law and take whatever steps were necessary to prevent their subjects breaking this law.

You will notice at the bottom of the first page of the Danish Minister's letter there is the following:

"The Government therefore submitted the matter to the Director of the above mentioned Thule station, Mr. Knud Rasmussen, who thereupon has handed to the Administration of the Colonies of Greenland a statement on the subject in which he comes to the conclusion that he will not need the assistance of the Canadian Government in order to carry out the protective measures indicated in his statement. Having acquainted themselves with the statement in question my Government think that they can subscribe to what Mr. Rasmussen says therein and have instructed me to submit a copy of it to His Britannic Majesty's Government".

On page 3 of the Rasmussen report there is the following:

"It is well known that the territory of the Polar Eskimo falls within the region designated as 'no man's land' and there is therefore no authority in the district except that which I exercise through my station".

Mr. Rasmussen's report concludes:

"I venture to close with the observation that, in order to carry out the protective measures indicated in this statement, I shall need no assistance whatever from the Canadian Government".

These quotations are given to emphasize the fact that neither Mr. Rasmussen nor the Danish Government appear to recognize that Canadian authority is dominant and exclusive in Ellesmere land, but that, on the other hand, they seem to infer that they have some authority in the area in question. I consider it very important that the Canadian Government should not subscribe to these ideas, even by the implication of silence, but that it should be made clear, Canada has exclusive authority over all the lands to the west of Baffin Bay, Smith Sound and Robeson Channel.

As already intimated, under Canadian law permanent protection is provided for muskox and in addition trading in the skins of muskox is prohibited. The contention of Mr. Rasmussen, which is endorsed by the Danish authorities, is that it would not be possible to stop the hunting of muskox without disastrous consequences to the Polar Eskimos.

In other words this means that the Danish Government contends that for the protection of its Greenland Eskimos they should be allowed to continue to kill Canadian muskox. On account of the probable steps to be taken for the development and domestication of muskox it is of the utmost importance to Canada that the last remaining herds of muskox¹⁴ - those on Ellesmere land - and contiguous territory - should be conserved. It is not any part of the duty of the Canadian Government to provide for the natives of Greenland. That is a duty properly appertaining to the Danish Government. Canada does not allow its own Eskimo to kill muskox unless these Eskimos are in actual danger of starvation. The Greenland Eskimos evidently do not require muskox for food.

The Danish letter covering the Rasmussen report speaks of it being impossible to stop the hunting of muskox without disastrous consequences to the Eskimos "before they can be provided with hides from other sources".

The Rasmussen letter says:

"After 1908, in the period which succeeded Dr. Frederick A. Cook's expedition to Heibergs land, in which many esquimaux took part, it became usual for certain trappers, especially such as lived outside the bear districts properly so-called, to cross over to the west side of Ellesmere land every spring in search of skins for the coming winter".

In another paragraph Rasmussen says:-

"It would be inadvisable immediately to introduce strict protection as the Eskimos could not be cut off from access to the skins".

He also says:-

"It will be necessary first to devise some [other] means of providing skins and thus render these hunting expeditions superfluous, since the muskox is never hunted for food. The quantities of meat transported across Ellesmere land are insignificant as the sledges are entirely loaded with skins".

¹⁴ They were not the last remaining herds: muskoxen were still plentiful elsewhere in the archipelago, for example on Devon Island. Ce n'étaient pas les derniers troupeaux; les bœufs musqués étaient encore nombreux ailleurs dans l'archipel, par exemple sur l'île Devon.

In another paragraph he says:

"It would not be possible to agree to the complete protection of muskox before the quantity of hides needed for the population can be provided from elsewhere."

From the quotations which I have given it is perfectly clear that the Greenland Eskimos do not hunt the muskox for food to avoid starvation but hunt the muskox entirely for their skins.

I am advised that muskox skins are not used for clothing by the Eskimos. The skins are altogether too heavy and otherwise unsuitable for the purpose. Muskox skins however are used for pallets and for floor coverings in the igloo. Virtually we are asked to provide the Greenland Eskimos with muskox for the purpose of providing floor coverings and pallets for themselves.

Rasmussen says:-

"The herds however are so enormous and the territory so immense that the danger of extermination can scarcely yet be described as imminent".

This is only an expression of opinion and expression of the opinion of a man who as a trader is presumably interested in muskox trading and naturally interested in looking after the interests of the natives who trade with him.

This statement of Rasmussen's scarcely stands up with what he says immediately before, viz.-

"When my Arctic station Thule was established at North Star Bay my attention was immediately drawn to these musk-ox hunts and I soon realized that their frequency and extent constituted a serious menace to the existence of the breed. It is well known to be a characteristic of this species of big game that even large herds do not attempt to take flight, but calmly let themselves be shot down".

Experience shows that natives are entirely capable of exterminating musk-oxen without the intervention of white men. This condition is being constantly accentuated by the introduction of modern firearms. Muskox were very numerous in Banks Island when McClure's expedition spent three winters in that vicinity about 70 years ago. When the Stefánsson expedition reached Banks Island in 1914 the Eskimos themselves did not know that the musk-oxen were extinct there but neither they nor the Stefánsson party saw a single musk-ox there during the years 1914-17. Rifles did not have to be introduced in Alaska to exterminate the muskox from that district; and from the McKenzie district as far east as Cape Bathurst they were also exterminated before the advent of whalers. Ellesmere land where the musk-ox now are is not nearly so great in extent as these areas from which the musk[ox] has already been exterminated.

In view of the conditions which I have recited it seems to me that there are no grounds to justify us in sharing the view of Rasmussen - that the danger of the extermination of the muskox in Ellesmere land is not imminent.

Rasmussen refers to efforts being made to obviate the necessity of killing of muskox by the importation of reindeer skins from Europe. The Danish Government therefore knows what means are necessary to adequately provide for its own people without their being allowed to invade Canadian territory and violate Canadian laws, a proceeding which is very serious from the Canadian standpoint both on account of the fact that Ellesmere land is the last stamping ground of the muskox and of the fact that the muskox on Ellesmere

¹⁵ Not an exact quotation./ Il ne s'agit pas d'une citation exacte.

land may by providing herds for domestication eventually result in all northern Canada producing a very large food as well as fur [wool] supply.

It seems to me that Canada should in the first place take a very strong stand in regard to its exclusive ownership of and authority over Ellesmere land;

That the Danish Government should be advised that a continuance of the slaughter of musk ox in Ellesmere land by Greenland Eskimos cannot be tolerated because it inevitably will mean the early extermination of the musk ox;

That if Denmark will not immediately agree to entirely stop this slaughter Canada should establish a Mounted Police post in Ellesmere land for the purpose of stopping the slaughter and asserting Canadian authority.^{16 17}

J.B. Harkin

W.W. Cory, Esq., C.M.G.,

Deputy Minister, Department of the Interior.

218.

Despatch from Governor General to Secretary of State for the Colonies

Dépêche du gouverneur général au secrétaire d'État aux Colonies

TNA, CO 42/1020

Government House, Ottawa,
13 July, 1920.

No. 473

My Lord,

With reference to your despatch† No. 252 of the 26th April last, regarding the protection of the musk ox in Ellesmere Island, I have the honour to transmit herewith copy of a report† on this subject prepared by the Commissioner of Dominion Parks. In view of the facts recited by Mr. Harkin, the Minister of the Interior considers that a continuance of this slaughter cannot be tolerated, for the reason that it inevitably will mean the early extermination of the musk ox. My Government consider that if Denmark fails to take steps to remedy the destruction complained of, it will be necessary for Canada to establish a mounted police post in Ellesmere Island for the purpose of stopping this slaughter, and of asserting Canadian authority.

¹⁶ Marginal notes:/ Notes marginales :

I concur. W.W. C[ory]

App^l. Please see that appropriate communication goes at once. A. M[eighen]

¹⁷ This memo was forwarded by Cory to the Department of External Affairs on 23 June. Sir Joseph Pope asked for a more concise version to send to London, which was provided.

Cette note fut envoyée par Cory au ministère des Affaires extérieures le 23 juin. Sir Joseph Pope demanda une version plus concise à envoyer à Londres, ce qui fut fourni.

See/ Voir Cory to Pope, 3 July 1920, LAC/ BAC, RG 25, vol. 2669, file/ dossier 9059-B-40.

My Government will be grateful if this matter can be brought to the attention of the Danish Government.¹⁸

I have the honour to be,
My Lord,
Your most obedient,
humble servant,
Devonshire.

The Right Honourable The Viscount Milner, G.C.B., G.C.M.G.,
Secretary of State for the Colonies.

219.

Note from Secretary of State for Foreign Affairs to Minister of Denmark in United Kingdom

Note du secrétaire d'État aux Affaires étrangères au ministre du Danemark au Royaume-Uni

TNA, FO 371/4084

Copy/ Copie

Foreign Office, S.W.1.
7th September, 1920.

No. 213240/30

Sir:-

I have the honour to inform you that a despatch has been received from the Canadian Government transmitting their observations upon your Note No. 862611 of April 12th on the subject of musk oxen in Ellesmere Island. In the course of the despatch the Canadian Government state that they are unable to concur in the opinion expressed by Mr Rasmussen that the danger of extermination can scarcely yet be described as imminent. The experience of the Canadian Government in the mainland of northern Canada and in Alaska has shown that the musk oxen can be very rapidly exterminated even by the natives.

The Canadian Government is advised that the only use to which the Eskimos put the musk ox skins is for pallets and floor coverings in the igloo, and that these skins are not used for clothing purposes. Moreover as Mr Rasmussen himself admits that the quantity of meat transported from Ellesmere Island is insignificant the Canadian Government are unable to accept the contention that the Eskimo should continue to be allowed to visit Ellesmere Island to kill musk oxen, which is a privilege strictly denied by the Canadian Government to their own subjects.

While the Canadian Government are only too anxious to co-operate with the Danish Government in this matter they feel so strongly the great importance to Canada of the preservation of the musk ox in Ellesmere Land that, unless the Eskimos can be restrained from crossing into Canadian territory to kill musk oxen, the Canadian Government will be compelled to establish mounted police posts in Ellesmere Land to protect their own interests.

¹⁸ Sir Joseph Pope noted on his copy of this document:

Sir Joseph Pope nota sur sa copie de ce document :

I consider this despatch not sufficiently explicit & precise as regards our claims to sovereignty over Ellesmere Land, and so informed Sir J. Loughheed Messis Corn and Harkin. It is based on the latter's report. - J. Pope 25 July 20.

See Voir LAC BAC, RG 25, vol. 2669, file dossier 9059-B-40.

I should be grateful if you would bring these views of the Canadian Government¹⁹ to the notice of the Danish Government who I feel sure will appreciate the importance of the points raised.²⁰

I have the honour to be,
with the highest consideration,

Sir,
Your most obedient,
humble Servant,

(For the Secretary of State [Lord Curzon])
[J.D. Gregory]

Monsieur H. de Grevenkop-Castenskiold,
etc., etc., etc.

220.

Letter from Vilhjalmur Stefansson to Legal Adviser, Department of External Affairs
Lettre de Vilhjalmur Stefansson au conseiller juridique, ministère des Affaires
extérieures

LAC/ BAC, MG 30 E-44, vol. 6, file/ dossier 19

[New York,] September 25, 1920

Sir:

I have just had some correspondence with the Prime Minister's office which has resulted in the reference of the matter in which I am interested to you. The correspondence is as follows:

(Letter to the Prime Minister)

“[New York,] September 16, 1920

Sir:

There are two very important matters that I should like a chance to tell you about.

1. There are certain islands in the Arctic Sea discovered by Great Britain and not remote from Canada, to which Canada might logically lay claim. The value of these islands is certain to be realized within the next ten or fifteen years and it would be advantageous for us to make good our claim to them.

2. Information received by me direct from Denmark makes it clear that the Danes are thinking of colonizing and exploring the islands discovered by the Norwegians north of Lancaster Sound. With the consent of Norway this exploration and colonization will give Denmark a better claim, I believe, than we have to those islands. There is still time for us to do something about this, and I should like to give you my ideas on the subject. I am thoroughly familiar with the discovery, exploration, and every feature of the

¹⁹ The draft included a statement that the British government fully concurred with Canadian views; this was omitted from the final version. L'ébauche incluant une déclaration selon laquelle le gouvernement britannique appuyait pleinement les positions canadiennes, ce qui fut omis de la version finale.

²⁰ A copy of this document was not forwarded to Ottawa until over seven months later. Une copie de ce document ne fut envoyée à Ottawa que plus de sept mois plus tard.
See/ Voir Churchill to Devonshire, 29 April 1921, LAC/ BAC, RG 7 G-21, vol. 412, file/ dossier 10045.

history of those islands from the points of view of Norway, Great Britain, Denmark, and Canada, and can answer any questions briefly and to the point.

What I have in mind is that it appears to me that should Canada do nothing for the next year or two and should international law as it stood before the war still hold, then Denmark's claim to these islands would probably be preferred to Canada's claim should the matter come before the Court of the League of Nations.

Will you please have your secretary inform me whether I may call on you when I next come to Ottawa?"²¹

To this letter I received from the Prime Minister's private secretary the following answer:

"Ottawa, 20th September 1920.

Dear Sir:

Your letter of the 16th instant was received on Saturday as the Prime Minister was about to leave for the Eastern Townships, and I was directed by Mr. Meighen to communicate with you and advise you that he is expecting to leave for Western Canada the first week in October and will be absent until the end of that month. He suggested that when you come to Ottawa you should see Mr. L. C. Christie, the Legal Advisor to the Department of External Affairs, and discuss with him the subject in which you are interested, after which the Prime Minister will be pleased to see you, if he should be here. Mr. Meighen is not expected back from the Eastern Townships until Thursday next."

I expect to arrive in Ottawa Tuesday and hope to be able to see you then or Wednesday. The reason for the hurry is not only the Prime Minister's approaching journey west, but the fact that this will probably be my only opportunity to come to Ottawa, for I am occupied on a lecture tour in the United States from early November until April. The case I want to present to you can, I think, best be made clear by reviewing first briefly the case of Spitzbergen, for I am afraid the same sort of thing is likely to happen in Canada. I am making out a rather full statement which I hope you will have time to read before I call upon you. I would then be able to answer any questions that may arise.

THE CASE OF SPITZBERGEN

It is claimed by the Russians that the islands of Spitzbergen were known to them before the Dutch "discovery." However, other nations have commonly considered that the islands were discovered by the Dutch about the beginning of the 17th century. A few years later Henry Hudson, an Englishman, and then in British service, visited and further explored the islands and is considered to have been the second explorer in those waters. From his work there arose a British claim to the islands which, however, was never formally admitted by the Dutch. What happened was that while each theoretically disallowed the claims of the other, both took possession of certain parts of the Spitzbergen group, the British having both the larger and the more important holdings. They valued these for the time being as a base for "whale fisheries" and for securing other northern products such as walrus ivory, seal oil, sealskins, and the like, but so large a fleet of vessels went there that the sea animals in the neighborhood were greatly lessened in numbers and the group eventually ceased to have great importance as a whaling or sealing center. Then came the utilization of petroleum for lamp light and various mineral oils for lubricants, and the northern animal oils dropped greatly in price. It is claimed by some nations (I shall not go into the merits of

²¹ The original of this letter to Prime Minister Meighen was not found. L'original de cette lettre au premier ministre Meighen ne fut pas trouvé.

the claim) that the British now formally renounced their claims to Spitzbergen — through Gladstone as Prime Minister, I believe. His official utterances about Spitzbergen appeared to be similar to his statements about the Transvaal. He apparently was quite ready to renounce both and equally incapable of seeing the potential value of either.

No nation concerned itself much about Spitzbergen from the decline of the “fisheries” to the last years of the 19th century and the beginning of the 20th. The agreeable summer climate and beautiful scenery began to be appreciated, and I think it was the enterprise of the Hamburg-American Steamship Company which began to make the Spitzbergen Islands a tourist resort. Good hotels were built and better ones planned, and larger and larger steamers went there carrying tourists. The opinion also grew up in Germany and elsewhere that the climate was particularly suitable for convalescents from certain diseases, and it was planned to build great sanitoriums, notably for pulmonary diseases. Still this is getting a little ahead of the story, for the sanatorium stage was not reached until after the country had begun to promise well in mineral products.

I can make the story somewhat personal from this point on. When I was in England in 1913 I met, through mutual friends, Mr. Edward T. Agius, Coal Merchant, of 10 and 11 Lime Street, London, with branches in many of the important cities of the world, but especially around the Mediterranean and the Iberian Peninsula. Mr. Agius then told me so that I believed it (although I had previously heard rumours to the same effect) that coal could be mined in Spitzbergen so cheaply that it could be brought by ship to any part of western Europe to compete with other coal mines. He believed the quantity of Spitzbergen coal to be tremendous and the quality of some of it equal to the best Welsh coal. The British Admiralty has since published a statement (according to the *Journal of the Royal Geographical Society*) saying that the steaming value for battleship purposes of some of the Spitzbergen coal is higher than that of the best Welsh coal.

I shall not go into the fascinating story of the rapid rise of Spitzbergen to commercial prominence. Capitalists from three countries chiefly went there to develop the mines — Americans, Norwegians, and British, in the order named. It is possible the Norwegians may really have commenced the coal mining ahead of the Americans, but their operations were insignificant until the American firm of Ayer and Longyear began operating there on a large scale, when the Norwegians also increased their activities. There were at least two British companies, the larger one with head offices in London, the other a Scottish company. The British company has, I believe, a capitalization of five million pounds. I know more about the Scottish company, however, for a friend of mine, Dr. W.L. Bruce, the well known Antarctic explorer, was the scientific expert in charge for the Scottish company in prospecting the various islands of Spitzbergen. I believe Dr. Bruce, accompanied by scientists of various sorts but chiefly geologists and mineralogists, has made something like sixteen voyages²² to Spitzbergen. He has told me that every fresh investigation increases the probable value of the islands from a mineral point of view, and considers that there are such large quantities of rich iron ore close to large quantities of good coal, and both so near tide water, that Spitzbergen is certain to become one of the two or three greatest iron smelting centers of the world.²³ In fact, Birmingham, Alabama, seems to be the only place known at present where comparable quantities of coal and iron are found close together. Spitzbergen has the advantage, however, of proximity to the ocean and of a

²² The actual number of Bruce's expeditions to Spitsbergen was ten. Le nombre réel d'expéditions de Bruce au Spitsberg fut de dix.

²³ Some of Bruce's views on Spitsberg are summarized in *Certaines des opinions de Bruce sur le Spitsberg sont résumées dans R.N. Rudmose Brown, "Spitsbergen in 1914," Geographical Journal*, vol. 46, no. 1 (January 1915), pp. 20-21.

much more favorable working climate, Alabama being too hot for getting a large output from the men working there.

There has been a stubborn determination on the part of most people to discount every report of the value of Spitzbergen on theoretical grounds. They have said the country was too far north (North Latitude 76° to North Latitude 80°), that nobody would be willing to live there, that the difficulties of mining would be great and difficulties of shipping insuperable. Actual experience has shown all these objections not only unfounded, but actually the antithesis of the truth, for the miners enjoy the climate, there are less labor troubles in the Spitzbergen mines than in corresponding mines in most parts of Europe, and the handling and shipping are so cheap that the Spitzbergen mines are taking the coal markets of northern Europe away from the English and other coal mines as quickly as the output can be accelerated.

I cannot vouch personally for many of the above statements. They are from books and from conversation with such men as I have mentioned — coal merchants, geologists, and other scientists in Great Britain, Norway and Denmark.

There certainly once was a time when Great Britain had the strongest of all claims to the Spitzbergen group. She probably allowed those claims to lapse from a technical point of view. At any rate, the newspapers announced last spring that the Court of the League of Nations had awarded the possession of Spitzbergen to Norway.⁷⁴ This news came as a thunderclap without warning to the British capitalists, as I know from being in London a few weeks later. I pretend to no knowledge of diplomatic matters and neither did these capitalists claim to know how the verdict in Paris had been reached, but they were unanimous in considering it a piece of the most unbelievable stupidity even though the Foreign Office (or whatever department it is handles those things) was able to assure them that Norway had promised to guarantee the rights which Britishers already had in the islands and to give British enterprise equal opportunities in Spitzbergen with those of any other country. However, that is scarcely the same as owning the islands outright.

I heard the suggestion in England that the transfer of the Spitzbergen Islands by England to Norway was perhaps a diplomatic bargain made secretly during the war in return for assistance from Norway. If that be so, we have at least a reasonable explanation of what appears to have been the attitude of the British diplomats in Paris, who do not seem to have made any effort to make good Britain's claim to this very valuable island group.

THE CASE OF THE DANISH WEST INDIES AND GREENLAND

We now come to matters more pertinent to the Canadian situation. For a long period there were negotiations between the United States and Denmark for the purchase by the United States of the Danish West Indies. Apparently they were wanted for "strategic purposes," for they do not seem to be particularly rich, Denmark demurred at the selling for a long time, but eventually set a price. This price was not only money to be paid by the United States but in part it was the relinquishment by the United States of all claims to Greenland.

⁷⁴ Sovereignty was given to Norway not by a court award, but rather by an international agreement. See "Treaty concerning the Archipelago of Spitsbergen," *League of Nations Treaty Series*, vol. 2, no. 1, pp. 7-19. La souveraineté fut attribuée à la Norvège non pas par décision d'un tribunal, mais par un accord international. Voir « Traité relatif à l'Archipel du Spitzberg », *Recueil des Nations, Recueil des traités*, vol. 2, n° 1, p. 7-20.

See also: Voir aussi Fred K. Nielsen, "The Solution of the Spitzbergen Question," *American Journal of International Law*, vol. 14, no. 1-2 (January-April 1920), pp. 232-235.

Greenland was discovered by citizens of Iceland at a time when Iceland was an independent country. The date of the discovery was 997. Greenland was colonized from Iceland and there were at one time on the west coast of Greenland two extensive settlements with fourteen churches, two monasteries and a nunnery, and a population that cannot have been less than five thousand and was probably more. Greenland became a Catholic country, paid tithes regularly to the Vatican, and we have a record of its church history in the archives of the Vatican. Its political history is also known in part through the annals of Iceland and through some records of the Norwegian Governments. It is therefore reasonably clear that Greenland and Iceland both became a part of Norway in the 12th or 13th century. Or at least if we do not admit that claim we can see upon what basis it could be made.

Then Denmark and Norway were united under one king. When this union was dissolved it appears that Greenland and Iceland were both so little valued that no one thought to mention either of them in the articles of separation.²⁵ Denmark was a little more enterprising and quietly took possession, and the Norwegians did not awaken to their rights in this matter until Denmark had been long in possession. Denmark therefore remained in possession.

The existence of Greenland was nearly forgotten in Europe until it was brought into the light again by the voyages of William Davis and the other British navigators. This would have given Britain the chance to take possession, but no one thought it worthwhile. Later the Danes, led partly by missionary zeal and partly by a desire to develop trade, took possession of Greenland. They did not explore it, however, beyond the middle of the west coast, and the northern half of Greenland became known to us through British, German, and other explorations, but notably through the explorations of Americans, of whom Peary was the last and in some ways the most notable figure. It was he who proved by his journeys that Greenland was an island where it had formerly been thought it might reach up to the Pole and might have continental proportions. As it is, it is next in size to Australia and is by some looked upon as a continent.

Now when the United States wanted the Danish West Indies so badly the Danes made it a condition of the transfer that Americans should renounce all claims to the northern half of Greenland — claims based on exploration. Some American geographers, and notably Peary, protested against this, saying that northern Greenland had a greater potential value than the Danish West Indies and that it was unwise to give up this territory for so small a concession. However, it has always been difficult to make those realize the potentialities of the North who have never themselves been far north. Peary's protests and those of the other Americans were ignored and the arrangement was made whereby the Danish West Indies became a part of the United States and the United States renounced all claim to northern Greenland.²⁶ As no other country has put forward a claim, the Danes are naturally

²⁵ This statement is incorrect. Iceland, Greenland, and the Faeroe Islands were specifically mentioned in Article 4 of the Treaty of Kiel. Cette déclaration est incorrecte. L'Islande, le Groenland et les îles Féroé furent expressément mentionnées dans l'article 4 du Traité de Kiel.

See 'Voir *British and Foreign State Papers*, vol. 1, part 1 (London: James Ridgway, 1841), p. 196.

²⁶ On the agreement between Denmark and the United States, see 'Sur l'accord entre le Danemark et les États-Unis, voir *Foreign Relations of the United States: The Lansing Papers, 1914-1920*, vol. 2 (Washington, DC: Government Printing Office, 1940), pp. 501-511, and et Charles Callan Tansill, *The Purchase of the Danish West Indies* (Gloucester, MA: Peter Smith, 1966). On Peary's protests, see 'Sur les protestations de Peary, voir "Greenland and the Danish Islands," *New York Times*, 21 August 1916, p. 10, and et "Peary View as to U.S. 'Rights' in Greenland," *Christian Science Monitor*, 11 September 1916.

in secure possession. Indeed, no country except the United States could put forward a very strong claim to northern Greenland.

THE CASE OF THE "CANADIAN" ISLANDS

We now come to the case I wanted to call to the attention of the Canadian Government. We are now concerned with the islands north of Lancaster Sound. If you will look at some map of the world, such as that printed on pages 1 and 2 of the *Atlas of Canada*, published by the Department of the Interior, 1915,²⁷ you will see that the islands north of Lancaster Sound have a huge area. Incidentally, more than half of them are south of the latitude of Spitzbergen, the value of which is now so fully realized in Europe. Twenty years ago Spitzbergen was considered as worthless as many people now consider the islands north of Lancaster Sound.

The larger ones of the islands north of Lancaster Sound are Ellesmere Island, Heiberg Island, North Devon, Bathurst Island, Ringnes Islands (two), Melville Island, Prince Patrick Island, and the islands discovered by the Canadian Arctic Expedition of 1913-1918, of which I was Commander. A glance at the map shows how these islands can be considered to be contiguous to Greenland no less than contiguous to Canada.

The first question we have to consider is upon what we can rest Canadian or British claims to these islands.

To begin with, more than half of them were first sighted by British navigators. The ones that were actually explored in considerable part by British navigators are North Devon, Bathurst Island, Melville Island, Prince Patrick Island. Ellesmere Island was discovered by the British and explored in slight part by them, but in the main by the Americans under Hall, Kane, Hayes, Greeley, and Peary. Axel Heiberg Island was discovered, so far as I know, by Peary, but his claim has practically been disallowed through the general acquiescence of the world, ourselves included, in disregarding the name he gave to the island and even the name of the northern tip where he actually landed and which he called Cape Thomas Hubbard.²⁸ The names that now appear on most maps, our own as well as European, are those assigned by the Norwegian explorer, Sverdrup, who explored the whole of Heiberg Island except the northern tip landed on by Peary. The Norwegians under Sverdrup also explored the southern third of Ellesmere Island and discovered and explored the Ringnes Islands. By exploration, therefore, the Americans have the greatest claim and the Norwegians the next to Ellesmere Island, although we have the right of first discovery. Heiberg Island was first sighted by an American but was not explored by him, and the outline was entirely determined by Norwegians. We therefore have no claim to that island, the Norwegians the greatest claim, and the Americans the next.

To the Ringnes Island group no nation has claim either by discovery or by exploration except the Norwegians.

²⁷ *Atlas of Canada*, 2nd edn (Ottawa: Department of the Interior, 1915).

²⁸ In 1906, Peary reached the northernmost part of Axel Heiberg Island. Sverdrup had explored the more southern part of the island in 1900 and 1901. However, Peary claimed priority of discovery and the right to name the island Jesup Land after one of his patrons because he had allegedly seen it from Ellesmere Island in 1898. The alleged sighting seems to have been fabricated by Peary.

En 1906, Peary atteignit la portion la plus septentrionale de l'île Axel Heiberg. Sverdrup avait exploré la portion la plus au sud de l'île en 1900 et 1901. Cependant, Peary revendiqua la priorité de la découverte et le droit de nommer l'île Terre de Jesup d'après l'un de ses commanditaires parce qu'il l'avait prétendument vue depuis l'île d'Ellesmere en 1898. L'observation présumée semble avoir été fabriquée par Peary.

See Von Peary, *Nearest the Pole: A Narrative of the Polar Expedition of the Peary Arctic Club by the U.S.S. Roosevelt, 1905-1906* (New York: Doubleday, Page, 1907), p. 202.

On the Department of the Interior Atlas map to which I have referred you you will find Crown Prince Gustav Sea between Axel Heiberg Island and the Ringnes Islands, and Prince Gustav Adolf Sea between the Ringnes Islands and Prince Patrick Island. These two bodies of water we have filled up with islands discovered and explored by the Canadian Arctic Expedition. To these islands our claim is therefore clear by discovery and exploration as well as to Prince Patrick Island, Melville Island, Bathurst Island, and North Devon, although a part of the northern coast of North Devon was mapped by the Norwegians.

What I want to call particularly to the attention of the Government is that I have recently received information from Denmark indicating that the Danes do not concede the authority of Canada over the territory north of Lancaster Sound and that they are going to launch next year an exploratory expedition which will work among these islands for several years. In addition to the ordinary operations of exploration it appears they intend to take over with them into these rich but uninhabited islands Danish Eskimos from Greenland as a sort of colonists. I should take it for certain that there will be trading stations established. These operations are all the more significant as the company is not a purely commercial one but rather a semi-patriotic commercial company. They have announced that the making of money is not their main purpose, the paramount objects being the welfare of the Eskimos and the obtaining of geographical and other scientific knowledge. While this makes the enterprise laudable from a humanitarian point of view, it makes it all the more significant and dangerous if we are thinking to maintain our claim to the islands and not to surrender them as the Americans did with northern Greenland.

I have great confidence that the work of the Reindeer and Muskox Commission appointed by the Prime Minister at the time when he was Minister of the Interior will show value and the prospect of value in these islands unsuspected by most Canadians, and it will be in the exploration of these lands as in the exploration of all lands that new riches will continually come to view. Two hundred years ago it was the consensus of opinion in the colony of Virginia that the territory which we now call West Virginia would never be of value. In Jefferson's time it was conceded that the center of the United States would never be of value. In 1867 when the United States purchased Alaska it was agreed on all sides that most of that territory would never be of value, and there are reports of Royal Commissions of our own country which show clearly that the territories of Manitoba, Saskatchewan, and Alberta can never be of value. Twenty years ago nearly everyone agreed that Spitzbergen would never be of value, and most people are now convinced that the Canadian islands north of Lancaster Sound will never be of value. I want to urge that as everybody has always been wrong in the past who has considered any part of the earth of no value, so will those be found wrong now who consider these islands worthless. It is therefore important that we take steps to maintain our rights and to gain additional ones in this area.

I have information from Denmark that there has been a correspondence regarding jurisdiction between the State Departments of the Dominion of Canada and of Denmark, for a private person in Denmark has written me saying that he was consulted by the Danish State Department and that he wrote out for them the document which was eventually sent to Canada. This was, I believe, with relation to whether Canada had the right to pass game laws covering the islands north of Lancaster Sound. I do not know how the communication of the Department of State was actually worded, but as formulated by my correspondent in Denmark when he submitted it to them the implication was clear that no Canadian claims were recognized. This appears in a phrase to the effect that the Danes would not interfere

with game "south of Lancaster Sound where the Government of Canada has jurisdiction." If the Danes are allowed to carry forward their plans and if we do nothing, I should think that if this case came before an international court it would probably be decided in their favor.

The Government of Canada has sent several expeditions north under command of Captain J.E. Bernier. Captain Bernier's voyages were confined to well known channels, and practically speaking his ships went to no places where one or more ships had not been before. Neither did he send surveying parties to any places north of Lancaster Sound that had not previously been surveyed at least roughly. He put up in Melville Island a metal tablet asserting that he was taking possession of all the islands lying to the north. Doing this would, I imagine, have the same significance in international law as Balboa's wading into the Pacific and taking possession of all the lands washed by its waters. I have seen notably in American publications, humorous and even sneering references to this as a ridiculous thing to do. I quote one of them roughly from memory: "This seems an easy and offhand way of taking possession of distant lands which neither Bernier nor any Britisher had ever seen – the islands discovered by the Norwegians."

It seems to me and to some Americans I have talked with that a proclamation taking possession of lands made by Bernier in Melville Island would have no more effect than the same proclamation made by him or some other officer of the Government of Canada at Ottawa. Had he explored or even visited the lands he claimed to be taking possession of the case would be quite different.

V. Stefánsson

Mr. L.C. Christie,
Legal Advisor, Department of External Affairs,
Ottawa, Ontario.

221.

Letter from Vilhjalmur Stefánsson to Legal Adviser, Department of External Affairs
Lettre de Vilhjalmur Stefánsson au conseiller juridique, ministère des Affaires
extérieures
LAC/ BAC, MG 30 E-44, vol. 6, file/ dossier 19

[New York.] September 25, 1920

Sir:

With further reference to my letter of September 16th to the Prime Minister, of which I have given a copy in my other letter¹ to you enclosed, I want to take up separately the case of Wrangel Island.

¹ The information came from Rasmussen himself. There was no denial of Canadian jurisdiction in his letter to Stefánsson. L'information provenait de Rasmussen lui-même. Il n'y eut aucune contestation de la juridiction canadienne dans sa lettre à Stefánsson. See Voir doc. 215, lettre de Rasmussen au capitaine.

² No such statement was found. The American Geographical Society seemed to question Bernier's claims, but did so in a very restrained way. Rien de tel ne fut trouvé. L'American Geographical Society a semble remettre en question la revendication de Bernier, mais ne l'a fait que de façon très limitée.

See: Voir "Capt. Bernier in the [North] American Arctic," *Bulletin of the American Geographical Society*, vol. 42, no. 2 (1910), pp. 123-124.

See previous document. Voir le document précédent.

In 1849 or 1850 (I have no reference books here to verify the date) Captain Kellett of the British Navy discovered Wrangel Island³² when on a voyage partly exploratory and partly in search of Sir John Franklin's lost expedition. It was later given the name of Kellett Land,³³ which it bore on the chart for some time.

In 1867 Kellett Land was sighted by Captain Thomas Long, an American whaler. He was ignorant of the discovery by Kellett and the existence of this land, so he reported that he had discovered a new land. In this connection he advanced the suggestion which was considered by many reasonable that the island should be named after Baron Wrangel,³⁴ who had made two exploratory expeditions by sledge over the ice westward of Wrangel in search of land, the existence of which had been reported by Siberian natives.³⁵ Or at least that is what some consider it. Others think that the land told of in Siberian folklore is a pure figment of the imagination and that the existence of this land is a mere coincidence.

³² The correct year was 1849. Kellett landed on Herald Island, and saw another nearby island that he called Plover Land. Kellett raised the British flag on Herald Island, but made no territorial claim to Plover Land, which he assumed to be the land whose existence had been reported to Wrangel by the Chukchi people of Siberia (see n.35 below). He was not sure of the extent of the land he had seen, but it appeared to be quite large, and it seemed that there might be more than one island besides Herald.

L'année exacte était 1849. Kellett débarqua sur l'île Herald et vit une autre île proche qu'il baptisa Terre de Plover. Kellett planta le drapeau britannique sur l'île Herald, mais ne revendiqua aucun territoire pour la terre de Plover, qu'il présuma être la terre dont l'existence avait été rapportée à Wrangel par les Tchouktches de Sibirie (voir n.35 ci dessous). Il n'était pas certain de l'étendue de la terre qu'il avait vue, mais elle semblait assez importante et il semblait qu'il pouvait y avoir plus d'une île en plus de Herald.

See/ Voir Berthold Seeman, *Narrative of the Voyage of H.M.S. Herald during the Years 1845-51, under the Command of Captain Henry Kellett, R.N., C.B.* (London: Reeve, 1853), vol. 2, pp. 114-116.

³³ A possible large island named Kellett Land, west of Herald and Plover Lands and extending much farther to the north, was shown on British charts by dotted lines. Plover Land, not Kellett Land (which did not in fact exist), was closer to the position of what would later be known as Wrangel Island.

Une grande île possible baptisée Terre de Kellett, à l'ouest des terres de Herald et Plover et s'étendant beaucoup plus loin au nord, apparaissait sur les cartes britanniques, représentée par des lignes pointillées. La terre de Plover, non la terre de Kellett (qui n'existait pas en réalité), était plus proche de la position de ce qui fut plus tard connu comme l'île Wrangel.

³⁴ The land reported by Long was in roughly the same position as the hypothetical Kellett Land. Like Kellett Land, Long's alleged land extended well to the north of Herald Island. After this northerly land was shown not to exist by George Washington De Long's expedition in the *Jeannette*, the name Wrangel Island (often spelled Wrangell Island in the early twentieth century) was bestowed on the former Plover Land.

La terre mentionnée par Long se trouvait approximativement à la même position que l'hypothétique terre de Kellett. Comme la terre de Kellett, la terre présumée de Long s'étendait bien au nord de l'île Herald. Après que l'inexistence de cette terre nordique fut prouvée par l'expédition de George Washington De Long à bord du *Jeannette*, le nom d'île Wrangel (souvent écrite île Wrangell au début du XXe siècle) fut accordé à l'ancienne terre de Plover.

See/ Voir C.L. Hooper, *Report of the Cruise of the U.S. Revenue Steamer Thomas Corwin in the Arctic Ocean, 1881* (Washington, DC: Government Printing Office, 1884), pp. 66-71.

³⁵ Wrangell placed the reported land on his chart. Wrangell indiqua la terre signalée sur sa carte. See/ Voir Ferdinand von Wrangell, *Narrative of an Expedition to the Polar Sea in the Years 1820, 1821, 1822 and 1823*, ed. Edward Sabine (London: James Madden, 1844), pp. 325-326.

The island had also appeared on previous Russian charts. L'île était aussi indiquée sur des cartes russes antérieures. See/ Voir Peter Lauridsen, *Vitus Bering: The Discoverer of Bering Strait* (Chicago: S.C. Griggs, 1889), p. 18.

However, the name Wrangel Island came into general use in the large American whaling fleet which annually frequented those waters and it eventually displaced Kellor's name on the map.

Long did not land upon the island, nor did any American whaler after him. At least this is generally conceded, for the landing made by the *Corwin* (Captain Calvin L. Hooper, U.S. Navy) in 1881, is generally considered the first landing by white men (and probably by any men) on the island. This was from the Revenue Cutter "*Corwin*" when she was in search of De Long's expedition.

Later the same year a landing was made on the island by Lieutenant R. M. Berry (now Admiral Berry), whose ship "*Rodgers*" lay for several days where now we have Rodgers Harbor. They made a rough and very inaccurate survey of the island - it does not pretend to be anything but the barest approximation.

About the only account we have of Wrangel Island so far is in the notes of John Muir, who accompanied the "*Corwin*" as naturalist. The book was published in 1917 under the title "*The Cruise of the Corwin*" by John Muir, Boston. This account is based on half a dozen hours spent on the island. The captain and crew of the "*Rodgers*," although they were several days on the island, do not appear to have published any narrative. At least that is the statement made in the preface to the "*Cruise of the Corwin*."

The next visitors to Wrangel Island were the officers, scientific staff and crew of the C.G.S. "*Karluk*" after she was broken in the ice in January, 1914. They remained on the island for several months (February to September). When their narratives are published, which will be within the next year or two in the report of the expedition, we shall have for the first time a real, although still inadequate, description of the island.

⁸⁸ See Von "Arctic Relief Expeditions: Cruises of the U.S.S. *Rodgers* and U.S.S. *Alliance*, and Report of the Jeannette Relief Board," *Annual Report of the Secretary of the Navy* (Washington: Government Printing Office, 1881), pp. 755-822.

⁸⁹ John Muir, *The Cruise of the Corwin*, ed. William Frederic Bade (Boston: Houghton Mifflin, 1917).

⁹⁰ A Russian landing was made in 1911: Un débarquement russe fut effectué en 1911.

See Von William Barr, "The Voyages of *L'Amir* and *Vengance* to Ostrov Wrangelia, 1910-15," *Polar Record*, vol. 16, no. 101 (May 1972), pp. 213-234.

The Russian government claimed the island in 1916, with no protest from other nations. This claim was made through diplomatic channels and was not widely known to the public. However, the note addressed to the French government was published at the time. Stefansson was later informed about the published note by the naturalist R.N. Rudmose Brown.

Le gouvernement russe revendiqua l'île en 1916, sans protestation d'aucune autre nation. Cette revendication fut faite par le biais des voies diplomatiques et ne fut pas largement connue du public. Cependant, la note envoyée au gouvernement français fut publiée à l'époque. Stefansson fut plus tard informé de la note publiée par le naturaliste R.N. Rudmose Brown.

See Von doc. 286, enclosure, piece jointe, "Incorporation de terres arctiques dans le domaine de la Russie," *La Géographie*, vol. 31 (1916-1917), n. 5, p. 393 and cf Brown to Stefansson, 14 May 1922 SC, MSS 196, box 7, folder 28.

⁹¹ An account by John Hadley was published in Stefansson's narrative. Hadley gave a highly favourable report of Wrangel Island's resources and potential, however, it is probable that this account owed more to Stefansson's urging than to Hadley's own experiences, as recounted in his original expedition diary. Un compte rendu de John Hadley fut publié dans le narratif de Stefansson. Hadley fit un compte rendu très favorable des ressources et du potentiel de l'île Wrangel; cependant, il est probable que ce compte rendu provenait plus de l'insistance de Stefansson que des expériences personnelles d'Hadley, tel que rapporté dans son journal d'expédition original.

See Von Stefansson, *The Friendly Arctic* (New York: Macmillan, 1921), pp. 704-712 and cf LAC BAC, MG 30 B-25, vol. 2.

It has been assumed and it is frequently stated that there is a treaty between the United States and Russia by which the United States relinquishes all claims it may have to Wrangel Island in favor of Russia.⁴⁰ Professor William Frederick Badé has gone into all the documents in the case and has published the statement that there is no such provision in any treaty between the United States and Russia, nor any provision from which an abandonment of claims to Wrangel Island can be logically deduced.⁴¹

The case, then, stands as follows:

No country has recently made any formal claim to Wrangel Island. The right of discovery is with Great Britain, dating from 1849-1850. Eighteen years later a party of Americans landed on the island and made a rough map. I think they may have raised a flag and taken possession,⁴² although of this I am not sure. The only people who have lived on the island and can give us a coherent account of it are the members of the Canadian Arctic Expedition, who spent six months there in 1914.

I should suppose then that if we have the wisdom to realize the value of Wrangel Island a little earlier than other countries, and if we follow up our original discovery by exploration and preferably commercial development, such as the placing of a Hudson's Bay Company's post, for instance, or other trading enterprise, we would be conceded to have the best claim to the island.

Wrangel Island is very valuable for at least two purposes that we already know. It is an excellent location for trapping furs, and it is an excellent base for walrus hunting. At present walrus are utilized only for ivory, hides, and to a lesser extent for oil. Later their flesh is certain to become a commercial meat, for even should we not care to adopt it in our food we can sell it to other nations who like it. With the world gradually approaching a meat shortage, as every food authority concedes, islands that form a good base for cultivating the resources of the sea will get an increasing value.

It is to be remembered, too, that with the development of air navigation and other improved transport, the inaccessibility of every part of the earth is being rapidly lessened. Those countries will have in the next century invaluable resources who know enough now to take possession of them while they are still undervalued.

A further consideration is that there may very well be other undiscovered lands north of Wrangel Island. We are the country most logically situated for the development both of lands now known to exist and of others that may be discovered to the north of us. It is no more

⁴⁰ Although there was no provision to this effect in the 1867 treaty between the United States and Russia, such a renunciation was sometimes considered to be implied by the statement that the line of demarcation between the territories of the two nations would pass through Bering Strait and continue "due north, without limitation" into the "Frozen Ocean." Many official nineteenth-century American maps showed this line.

Bien qu'il n'y eut aucune disposition à cet effet dans le traité de 1867 entre les États-Unis et la Russie, une telle renonciation fut parfois considérée comme rendue implicite par la déclaration prévoyant que la ligne de démarcation entre les territoires des deux nations passerait par le détroit de Béring et « remonte[r]ait en ligne directe, sans limitation, vers le Nord, jusqu'à ce qu'elle se perde dans la mer Glaciale ». Plusieurs cartes américaines officielles du XIXe siècle montrent cette ligne.

See Voir "Treaty concerning the Cession of the Russian Possessions in North America by his Majesty the Emperor of all the Russias to the United States of America . . ." *Statutes at Large, Treaties, and Proclamations of the United States of America*, vol. 15 (Boston: Little, Brown, 1869), pp. 539-544 and et United States Hydrographic Office, Chart 68, Behring's Sea and Arctic Ocean.

⁴¹ Badé, Introduction, *Cruise of the Corwin*, p. xxiii.

⁴² A claim of possession was made. However, the US government did not follow up on the claim in any way. Une revendication de possession fut présentée. Cependant, le gouvernement américain ne fit aucun suivi au sujet de cette revendication. See/ Voir Hooper, *Report*, p. 66.

inevitable that every land north of Alaska shall belong to Alaska than it is that the strip of coast from the vicinity of Skagway to the vicinity of Prince Rupert shall belong to us which it does not.

The countries to the north will belong to whoever appreciates their value and cultivates them.

V. Stefansson

Mr. L.C. Christie,
Legal Advisor, Department of External Affairs,
Ottawa, Ontario.

222.

Minutes of meeting of Advisory Technical Board

Procès-verbal de réunion du Conseil consultatif technique

LAC BAC, MG 30 B-5, file dossier "Reports & Memoranda, 1905-1923"

Copy/Copie

[Ottawa]

Confidential.

Minutes of a special meeting of the Advisory Technical Board² held on Friday the 1st day of October, 1920, at 3.p.m. in the Geographic Board Room.

LECTURE BY MR. STEFANSSON.

Chairman - We have been told that you (Mr. Stefansson) were to speak to this Board so that the Board might report to the Minister.

Mr. Stefansson - Yes.

Chairman - Perhaps you might explain to the Board what you wish to say.

Mr. Stefansson - It starts with Mr. Harkin and myself, we are both members of the Reindeer and Musk-ox Commission.

I am not sure exactly how it started but I found that the Danes are planning a scientific expedition which is semi-commercial, to cover five years. Now that expedition was thought of years ago. It has been in the air that long. Mr. Rasmussen is to be at the head of it and he was planning originally to come up through, I do not know exactly where - I heard about it eight or ten years ago. The plan then was to explore the mainland of North Greenland and the north coast of the mainland of Canada for purely scientific purposes, but they never got the funds for it and nothing seemed to happen but the country has been branching out in commercial development and they have a trading station on North Star Bay around 77° north latitude on the north coast of Greenland. They are being well supported. The Company is semi-commercial, semi-patriotic and philanthropic. Their aim is scientific as well as a commercial profit. Now they have announced the final expedition is going to cover a term of 5 years. They seem now to be going north to Lancaster Sound. I will name all these islands for you. North Devon, Ellesmere, Herschel [sic] islands, Bathurst and the two Ringnes islands, Melville, Prince Patrick and two islands which we

² On the creation and mandate of the Advisory Technical Board, see: *Procès-verbal de la création et du mandat du Conseil consultatif technique*, voir LAC BAC, RG 88, vol. 222, file dossier 17290.

have discovered but they are not on this map.⁴⁴ These are the islands north of Lancaster Sound. This is what Mr. Harkin and I took up with the Commission, that these people were going to kill a lot of our musk-ox. They are trying, I believe[,] to establish trading stations over there and colonize the country with Danish Eskimos from Greenland and that meant the killing of muskox both for food and sale purposes. So, Mr. Harkin here, really knows better than I – I think we sent a note⁴⁵ over to them, the note was sent to the Secretary of External Affairs of Denmark, saying that the musk-ox is an animal protected under the Game Laws and they must not kill them. Then, I believe, a reply⁴⁶ came back, which I heard directly from Mr. Rasmussen, he wrote me in Danish, he said among other things, “There is no question of our breaking Canadian Game Laws because we are not coming into Canada but a part farther north. It is not under Canadian jurisdiction”.⁴⁷ I have heard since in his communication to you (Mr. Harkin)⁴⁸ he referred to it as “No Man’s Land.”

Mr. Harkin – Yes, he did.

Mr. Stefansson – It amounts to the same thing. It struck me right away that anyone making claim to that country will get ahead of us. We have got a great deal of claim on it, but whether it will be recognized or not is another thing.

Dr. Klotz – Quite a number of years ago, – it was prepared by the late Dr. King – a memoir⁴⁹ was given to the Government about our claim to the north islands and the Government is in possession of that and I think we will be able to use that to say that Denmark has no claim to the islands.

Mr. Stefansson – I do not think Denmark has any claim at present. The islands between Lancaster Sound and James [Jones] Sound were all discovered and explored by British [explorers]. Then coming to Ellesmere, it was discovered by John Ross in the twenties [1818], he covered this little part of coast marked blue. Later Inglefield covered the part that is marked brown and north to Jones Sound, and 200 miles of coast running north from Clarence head to Cape Sabine. The next explored was from Cape Sabine north to Grant Land and part of Ellesmere. That was in the fifties and sixties. In the seventies was explored that part marked off here by this red line, running from the northeast corner of

⁴⁴ From Stefansson’s various comments about the map he was using to illustrate his lecture, it was evidently James White’s 1904 map, “Explorations in Northern Canada and Adjacent Portions of Greenland and Alaska.” This map was prepared to accompany W.F. King’s 1904 report. It showed a sector claim extending to the North Pole.

Divers commentaires de Stefansson à propos de la carte qu’il utilisa pour illustrer son discours, provinrent évidemment de la carte 1904 de James White, « Explorations in Northern Canada and Adjacent Portions of Greenland and Alaska ». Cette carte fut préparée pour accompagner le rapport de 1904 de W.F. King. Elle démontrait une revendication du secteur jusqu’au pôle Nord.

See/ Voir doc. 138 and footnote/ et note en bas de page.

⁴⁵ Doc. 214.

⁴⁶ Doc. 215.

⁴⁷ Rasmussen’s letter to Stefansson (see doc. 215, footnote) was not in Danish, although it did contain a copy of the original Danish version of his letter to the Greenland Administration. Rasmussen did not make any statement denying Canadian jurisdiction, as alleged by Stefansson.

La lettre de Rasmussen à Stefansson (voir doc. 215, note en bas de page) n’était pas en danois, bien qu’elle contienne une copie de la version originale danoise de sa lettre à l’administration du Groenland. Rasmussen ne fit aucune déclaration réfutant la juridiction canadienne, tel que prétendu par Stefansson.

⁴⁸ Rasmussen never wrote directly to Harkin. The reference must therefore be to Rasmussen’s letter to the Greenland Administration. Rasmussen n’a jamais écrit directement à Harkin. La mention doit donc concerner la lettre de Rasmussen à l’administration du Groenland.

⁴⁹ See/ Voir doc. 138, footnote/ note en bas de page.

Grant Land to Cape Alfred Ernest. Then came the Norwegians in 1899. They went in somewhere on Buchanan Bay. In 1899-1900 [Otto Sverdrup] crossed an island, the first time anyone had crossed it. The next year 1901-02 he went north to what is called Lindstrom peninsula and explored to the west and to the north along the west coast. — but first I must mention that Capt. Peary started out from New York in 1908 and explored along Greenland coast on East and Ellesmere Land, Grinnel Land and Grant Land on West, and stayed for a while near Sheridan river and named the place Hubbardsville, presumably in honour of Gen. Thos. Hubbard of New York, the President of the Peary Arctic Club. He discovered Hazen Land and explored the west coast in the following two years and explored the east coast as well as the west coast of Ellesmere Island as far as, I cannot remember the name just now but it is a Cape opposite to Cape Thomas Hubbard.

In 1900 the Norwegians discovered the Ringnes Islands. In 1902 [1901] they explored them. They also explored the north coast of Axel Heiberg Island. Just a little after that Mr. Lowe of the Geological Survey, aboard the "Neptune" put a tablet upon Cape Isabella and placed on it documents that he thereby took possession of Ellesmere island in the name of Canada.

The "Karluk[.]" one of our boats[.] was frozen in the ice on 13th August, 1913, and floated east and then west and in four months covered this course (indicating on map) and eventually sank about sixty miles northeast of Wrangel Island, the men went ashore and stayed there six months; this journey did not go through an unexplored region, it has been sounded and explored there, in the main.

To the east you will see the new journey made by Storkerson, of my expedition in 1918, he went 200 miles north, roughly, from Flaxman Island, selected a good, solid piece of ice there about 15 miles long and 7 miles wide; camped on it, and for six months drifted, as you will see on the map; in general he drifted to the northwest, we expected him to go faster, parallel to the course of the "Karluk" or 200 miles north of her, and he would perhaps eventually.

This was a considerable piece of exploration. The most northerly sounding made by [blank blanc]⁵⁰ was 150 miles south of Storkerson, Leffingwell and [blank blanc]⁵¹ who are the only people who have been up there of the explorer class, were up to 72°, Storkerson went to 74°; so that he got 2° north of the previous ones.

My own journey, with two companions in the spring of 1914, started from Martin's Point on the north coast of Alaska. We were first struck by a great gale which carried us 40 miles to the eastward, and then proceeded north; travelled straight north as far as 74°, reaching the northwest corner of Banks Island, through an unexplored region. Soundings here indicated what has been explored before. This (indicating on map) was unexplored, except that whaling vessels had been in a little north of exploring vessels, but we made quite a swath through an unexplored area.

The following years our base was Cape Kellett, on the west of Banks Island, in 1915 we went to the northwest corner of Banks Island, and then northwest into the ocean, our course goes off the map. We found a very strong current running to the southwest, northwest of Prince Patrick Island — too strong to fight; it threatened to carry us down into an area already explored, which would have served no purpose; we tried to land about the middle of the coast of Prince Patrick Island, Lat. 77°, but the current was also too strong, so we proceeded south and landed on the south end of Prince Patrick Island.

⁵⁰ Einar Mikkelsen.

⁵¹ Mikkelsen.

It has been discovered, according to the work of Mr. McDiarmid and Mr. Parker⁵² that Prince Patrick Island has been placed too far west: the red line indicates the correct location; the dark one, as the map was before.

This island was discovered by Commander McClintock when he was wintering under command at Dealey Island. He went from Dealey Island north to Hecla Bay; then northwest and reached Prince Patrick Island, discovering it in 1853. He went around the north end to a point in about, roughly, 77.25° N. Lat. and 118-something W. Long. (I am speaking roughly from the map). The same year Meham, coming from Dealey Island, went around the south end of Melville Island to Prince Patrick Island; explored the east coast as far north as where McClintock had been before; went around the south end, up to the west coast, to about N. Lat. 77.5 and west Long. 120 (according to his figures) leaving a little gap between that had not been covered.

We covered that, connecting Meham's survey with McClintock's; went north about 20 or 30 miles, and then to the east of us we saw land, which was new land. That was in 1915, June 20th. We then followed the south coast for two or three days and came south back to our base at Cape Kellett.

The following year, 1915, we explored this land that had been discovered before, and then followed from the north end my first trip to Cape Isachsen on Ellef Ringnes Island. According to Mr. McDiarmid and Mr. Parker's figures, that cape will have to be moved east a good deal. From it, northeast, we followed the edge of the shore floe and discovered what we call second land up here (indicating); went around that. This has a bearing on the case before you; I am pointing out how very little these islands were known before; came to Hassel Sound, which, instead of being three miles wide is [15?] miles wide; then coming to the south end of Hassel Sound, my intention was to finish the mapping of King Christian Island. I would call your attention to the way it looks on the map; it has a mountain range on it, and the detail is marked down to nearly 77° N. Lat. Accordingly I struck southwest from Cape Bathurst, expecting to strike King Christian Island about here (indicating) but found no land; made a curve to the right, and found this island up there (indicating). There is no King Christian Island as mapped on this map, but only a little island of about that shape (indicating). We went south from this little island about 50 or 60 miles – the ocean is 172 fathoms deep – and landed on Finlay Island.

In 1852, probably 51 or 52 Sherard Osborn F[or]d was explored.

Then the Norwegians, I mentioned in 1901 [1900], they discovered the Ringnes islands and in 1902 [1901] they explored them. (used map for explanation)

This is where the land really lies as new land no one has seen before. It is something about 170 fathoms all the way across.

We have seen McClure Strait, the strait between the 3rd land and Melville island, the strait between 1st land and east, east land and 2nd land and the sea, between 2nd land and the Ringnes islands and so on. Now we have the exploration finished.

Now it appears from this of course that we have a clear claim to the island of Ellesmere but we have no claim on the two Ringnes islands and Axel Heiberg island. I have reviewed

⁵² Fergus McDiarmid and T.H. Parker of the Geodetic Survey were working on Stefánsson's geographical results. Fergus McDiarmid et T.H. Parker de la Direction des levés géodésiques travaillaient sur les résultats géographiques de Stefánsson.

See/ Voir McDiarmid, "Geographical Determinations of the Canadian Arctic Expedition," *Geographical Journal*, vol. 62, no. 4 (October 1923), pp. 293-302, and/ et James White, "The Geographical Work of the Canadian Arctic Expedition," *Geographical Journal*, vol. 63, no. 6 (June 1924), pp. 508-525.

the claim we have on Ellesmere island. It seems extraordinary, perhaps, that international law says that discovery does not constitute ownership but that the discovery must be followed by exploration and occupation. A mere proclamation that we have taken possession of this island has little significance in law – international law. It appears then, at present, the Danes have no claim at all but 2 or 3 years ago the United States wanted to purchase some of the West Indies, Virgin Island I believe, was one of them, from Denmark. After a long time the Danes agreed to sell for a price of two kinds. They wanted a certain amount of money and the surrender of American rights to Greenland but the Americans thought it unwise to give such a land as Greenland in exchange for little islands like the Virgin [Islands], in the West Indies, but they have transferred whatever rights they had to Denmark.

I do not know if the Norwegians would transfer their rights to Greenland but they have a strong claim and they are very friendly with Denmark. Now the Danes have realised the value of the country and apparently they are going to come over here to explore these islands and colonize them in parts by Danish Eskimos and in so doing they constitute a claim to them. That is the way I understand the situation.

Dr. Klotz – Do you know of all the correspondence that has taken place?

Mr. Stefánsson – Yes, I do. I have told you practically all but a little part which I cannot tell as it is confidential. I have no doubt you can get it, though.

Here is an important point, we looked up the treaty between United States and Canada on the Alaska Boundary and the treaty¹ provides that the boundary shall be the 141st degree longitude west from Greenwich, beginning at the point of intersection of the said 141st degree of west longitude with a certain line drawn parallel with the coast, and thence continuing from the said point of intersection, upon the said meridian of the 141st degree in its prolongation as far as the Frozen ocean.

This has not been discussed why any Canadian should have put that line there (pointing to map).

Dr. Deville – Because we want to claim as much as possible, that is why the line is there.

Mr. Stefánsson – It also prevents them from claiming beyond that line.

Dr. Deville – We claim this land to the east from Cape [blank blank] to Baffin Bay. I do not know if that gives us much right.

Mr. Stefánsson – It implies that we have no claim to more than that. It sort of centres what is between that.

Mr. Drake – I think our claims ought to be in such a manner that they would be recognized.

Mr. Stefánsson – We have in Baffin I. and a Hudson Bay trading station.

Mr. Drake – That would be recognized as occupation.

Dr. Deville – Did we not send some party there?

Mr. Stefánsson – Capt. Bernier collected some customs duties up there at Lancaster Sound and put up a brass tablet on Melville island with these words on it "taken possession of it in behalf of Canada." I have seen some very sneering remarks in the American papers about it. For instance, one was something to the effect that we were taking possession of

¹ Convention between Great Britain and Russia. Signed at St. Petersburg, February 28, 1866. [838] *British and Foreign State Papers*, vol. 12 (London: James Ridgway and Sons, 1846), pp. 38-43.

islands that no Britisher had ever seen. A proclamation issued in Melville island would have no more strength than if it had been issued in Ottawa. We have occupied Melville island for 2 years and we have lived in Banks island for 4 or 5 years.

In 1849 Capt. [blank/ blanc]⁵⁴ discovered [blank/ blanc]⁵⁵ land. It was named after him and was on the charts at the time, I believe. Eighteen years after an American Captain came along and sighted this new land and announced himself as having discovered a new land and thought it would be a nice thing to name it after himself but differences apparently having followed it is in consequence known as [blank/ blanc]⁵⁶ island.

In 1881 a government party stayed ashore six hours and a week or so after a few Americans came ashore and they stayed for a week or two and made a survey which we have. It is very incorrect. The Americans have taken no steps since to make any claim on [blank/ blanc]⁵⁷ island. There is [This is not?] a land that belongs to them by discovery.⁵⁸

Russia has no right there. There is a treaty between the United States and Russia. I have heard, and the territory from Baffin Bay along Devon Island as far as Barrow strait, one strait belonging to Russia and one strait to the Americans. Professor Bade has looked that up in the life of John Muir and there is no treaty provision between United States and Russia[;] at least, there is a treaty but nothing in that treaty from which any person could deduce anything to make them believe that. I think we ought to explore that whole ocean with a view to finding out whatever there is to find out. If there are islands there it might be well for us to own them in view of their becoming valuable at some later time.

Down in the southeast corner a mounted police post could be established.

The islands south of Jones Sound are certainly British by discovery and exploration, if you follow it up, but those to the north we have a very shadowy claim to.

Dr. Klotz – You consider Wrangel Isle a British Possession?

Mr. Stefansson – Not necessarily. It seems that any land goes to the country that values it enough to take it, and this land (indicating) certainly ought to belong to us – the Alaska Panhandle – but the Americans occupied it, and I believe some officer of the Canadian Government was up there and made a report to this Government,⁵⁹ mentioning in his report the fact that the Americans had a post office there. Then, fifteen years later, when we began to protest, the Americans cited our own Government document, saying that for fifteen years we had acquiesced in American possession. That seems to be the whole thing; that whosoever occupied the country holds it.

Sir Joseph Pope said yesterday that a considerable part of the American claim hinged on the Canadian document showing that we knew for 15 years they were in possession.

Dr. Klotz – With respect to Ellesmere Isle, that is where you tell us the musk-ox are and where the Danes intend to establish commercial posts. We want to circumvent that, if possible.

⁵⁴ Kellett.

⁵⁵ Wrangel or/ ou Wrangell.

⁵⁶ Wrangel or/ ou Wrangell.

⁵⁷ Wrangel.

⁵⁸ For correct information on the history of Wrangel Island, see: Pour obtenir des renseignements exacts sur l'histoire de l'île Wrangel, voir doc. 221, footnotes/ notes en bas de page.

⁵⁹ The officer was Klotz, who had never believed that the Canadian claim in the Alaska boundary case was valid. L'officier était Klotz, qui n'a jamais jugé valide la revendication canadienne dans le dossier de la limite territoriale de l'Alaska. See/ Voir doc. 44, footnote/ note en bas de page.

Mr. Stefansson – That is the way it struck Mr. Harkin and me originally. But it seems to be a bigger question now than that. It is now really a question of territorial jurisdiction to the north in general. But as for Ellesmere Isle, I would suggest first the establishment of a Mounted Police Post, or, possibly, instead of that, a Revenue Cutter Service, similar to the American one, to enforce the game laws and whatever other Canadian laws need to be enforced up there. Second, exploration, or perhaps exploration would be the first thing, to explore the whole area thoroughly to show what it is good for, to show our intentions, and then get commercial companies to establish trading posts there. That amounts to occupation. It is a fine range of land from a certain point of view, that is, the point of view of the fur hunter or the fur buyer. It would probably be profitable.

Dr. Klotz – No commercial concern would undertake anything like that unless they had definite data, they would not go on a wild goose chase to establish trading posts there unless –

Mr. Stefansson – Unless they thought it would be profitable. The Hudson's Bay Company, I know privately, is establishing some posts this summer. We have had something to do with that, and they are moving.

Dr. Klotz – That is far south, out where they are, far south of Ellesmere Isle?

Mr. Stefansson – It is one day's steaming – something like that – by the Hudson Bay Steamer from the north end of Baffin Land to the south end of Ellesmere Island.

Mr. Drake – Aside from the question of further exploration, it would seem necessary that something should be done by Canada to prove her claim – such claim as she already has by virtue of discovery or exploration – to the islands you have mentioned, and that unless she does that, her further exploration would not get her any further than she now is?

Mr. Stefansson – No.

Mr. Drake – That all these claims have to be followed up by some form of occupation?

Mr. Stefansson – Yes.

Dr. Klotz – What is going to induce people to occupy that country?

Mr. Stefansson – I have already secured capital to develop that in Baffin Land. The progress is going to be fairly rapid.

Mr. Harkin – The main question is this[] Is it, or is it not, worth while for Canada to establish her sovereignty over these northern islands? We have, ordinarily, regarded them as belonging to Canada without any question. I had no doubt in my mind when our dispute with the Danes came up with regard to the musk-ox that the land was ours. I wrote a very vigorous memorandum⁶⁰ to the State Department demanding that they put it up to Denmark that they had to keep out, that we would establish a Mounted Police Post and Revenue Cutter Service, if necessary; that it was our land, and we repudiated the Rasmussen statement that it is "No Man's land".

The whole issue seems to me to be: Are the northern islands worth while, or not? That is the first issue: do we want them, or do we not? Apparently if we want them we have to do something to establish our title; that is, that we have some rights by discovery, although those are shared by the Norwegians and by the Americans. In so far as Ellesmere Land is

⁶⁰ See/ Voir doc. 217. Harkin frequently referred to the Department of External Affairs as the "State Department". Harkin designait fréquemment le ministère des Affaires extérieures comme le « State Department ».

concerned, prior discovery was British; subsequent discoveries of various portions of Ellesmere Land were carried out by the Norwegians and by the Americans. None of us have occupied Ellesmere Land; we have no population; only a muskox population, but that is all.

I think this meeting was called up very hurriedly. I know I did not hear anything about it until noon; had a discussion with Mr. Stefansson between twelve and one. I think the reference to Dr. Deville was verbal?

Dr. Deville – Yes.

Mr. Harkin – You did not have written instructions?

Dr. Deville – No.

Mr. Harkin – I presume the idea was to have an expression of opinion from the officers of the department who are naturally concerned in questions of this kind. The Interior, which handles natural resources, I presume would be the party primarily interested in the initial stages. But as I said before, the main question is: Is it, or is it not, worth while to consider these Northern Islands? If you ask me my opinion, I think it is. For instance, the history of Alaska if nothing else, is enough for that. The purchase of Alaska was a folly at the time it was done, and still it is one of the biggest things the United States ever did in the way of territorial acquisitions; one of the most valuable. I know Ellesmere land is valuable, certainly, from the muskox and cariboo standpoint and for fur resources generally. There is coal on Ellesmere Land; I do not know how much. We do not know anything about the natural resources – very little anyway. It is a fact that all that country is so remote that aside from fur wealth probably there would not be any great value to Canada today in it, just as Alaska in the early days was of very little value to the United States. What it will be worth in the future is a matter of uncertainty, but it is altogether likely it will be valuable. But it all hinges on the first principle. Is it, or is it not, worth while. My personal opinion is that it is worth while.

I presume that the Deputy Minister was anxious to get the views of this Board in that connection, is that it, Dr. Deville?

Dr. Deville – I have been notified that Captain Stefansson would make a communication to our Board and that our Board was asked to make a report for the Minister upon that communication. As I said, the communication of Captain Stefansson is to the effect that an expedition – a Danish Expedition – is preparing which may establish Danish rights to these islands, and the question we have before us is, I suppose, as to, in the first place, the aspect of the question – what the Board has to say about it, then what steps could be taken by the Government in order to affirm and secure Canadian ownership to those Northern Islands, and whether steps should be taken to affirm and secure Canadian ownership to those rights, and, if the Board is of opinion that such steps should be taken, then what those steps should be.

Then, Captain Stefansson has also mentioned the advisability of making a further exploration in those Northern Seas, in order to justify Canada's claim to such lands, if they exist.

So there are three points, as I understand it, upon which we have to report.

1. Whether steps should be taken by the Government to secure Canadian title to those lands.
2. If the Board is of opinion that such steps should be taken, then what should those steps be.
3. Report as to the advisability of further exploration in those Northern Seas.

That is the way I understand it.

Mr. Challies – Is the matter urgent? Are we expected to make a report today?

Dr. Deville – Not today. We cannot report upon a matter like this today. We have to look at the history of the case. There is a good deal which has been published – confidentially, or otherwise; documents to be consulted.

Mr. Challies – If it is not necessary to make a report immediately, it might be wise to refer the matter to a Sub-committee for consideration and subsequent report at a full meeting.

Dr. Deville – That was my own view, although I did not say so.

Mr. Challies – I suggest that the Chairman and Secretary, Mr. Harkin and Mr. Ogilvie, be a Sub-Committee to confer with Captain Stefánsson and bring in a report at a subsequent meeting.

Dr. Deville – It is a question of international rights. That question was dealt with in the first place by Dr. Dawson in our time, then it was taken up later by Dr. King and Dr. Klotz, and we had a good deal to do with it. I think if you appoint a Sub-Committee Dr. Klotz, Mr. Ogilvie and Mr. McArthur should be on the Committee.

Mr. Harkin – Mr. McArthur was on the International Boundary?

Mr. McArthur – Yes.

Mr. Challies – I am willing to add any names at all.

Dr. Deville – You have most of the documents?

Dr. Klotz – I have those prepared by the Chief Astronomer.

Mr. McArthur – You mentioned that the Norwegians had some strong claims in there, have they proven any acts of occupation?

Mr. Stefánsson – No, but I thought Denmark and Norway being very friendly – cousins for Kings, and being very friendly at present – the Norwegians might renounce their claims in favour of the Danes, or at least renounce them leaving the ground open for the Danes.

Dr. Deville – Canada has claimed all those islands on many occasions, the last one in this Order in Council dividing the territories into three districts. This has been proclaimed, and everyone knows that Canada claims those Islands. It may be conceived, perhaps, that Denmark would like to establish some claim to some of those islands but would not care to do so as an act of the Government, but they might do so by a company supported in some way by the Government.

Mr. McArthur – Occupation by our Police posts would be sufficient would it not, if it extended over any length of time without protest?

Dr. Deville – I thought so. At the time the question of the Alaska Coast came up, the Government was very strongly urged to establish customs posts – urged by Dr. Dawson and myself that a customs officer be put at Skagway to collect duties, and if no protest is made by any other state, it gives a pretty strong claim.

Mr. Drake – Any form of Governmental occupation should be sufficient whether for the enforcement of the game laws or for the collection of customs – and it would seem that the establishment of police posts or customs posts would be equally effective for the purpose, they would merely establish the fact that the Canadian Government was attempting some

form of administration there, and that, after all, is the main purpose, is it not? If that could be established, that would be sufficient to establish Canadian sovereignty.

Mr. Stefansson Yes, except that one post at the south end of a big island like Ellesmere would not give a claim to the whole island, and if the Danes moved onto the north end of it they might set up a claim as well.

Mr. Drake seconded Mr. Challies' motion that this matter be referred to a Sub-Committee to prepare a report to be submitted to the Board.

Motion carried.

The Sub-Committee will consist of the following members,—

Dr. Deville,
Dr. Klotz,
Mr. Ogilvie,
Mr. Harkin,
Mr. Lynch,
Mr. McArthur.

223.

Memorandum from Chair, Advisory Technical Board, to Deputy Minister of the Interior

Note du président, Conseil consultatif technique, au sous-ministre de l'Intérieur

LAC/BAC, RG 88, vol. 5, file/dossier 17435

Copy/ Copie

[Ottawa,] 15th October, 1920.

Memorandum.

Mr. Cory:—

Herewith is a memorandum to Council authorizing the Minister of the Interior to despatch an exploration party to Northern Canada and also providing for a Governor-General's warrant of \$100,000 to meet the preliminary expenses in that connection. It should be explained that there has not been sufficient time to form a reasonably correct estimate as to the total cost of the exploration in contemplation. It is altogether likely that the total cost may run up to \$200,000 or \$250,000, which sum, however, would naturally be spread over two or three years.

It is considered the sum of \$100,000 for which the warrant is asked will be adequate to meet all the immediate expenditures necessary, among which may be mentioned,

1. The purchase or charter of a suitable vessel and such repairs or fittings as may be required to place her in serviceable condition for Arctic work.
2. The securing of officers, suitably qualified, by experience, for Arctic exploration.
3. The ordering of such supplies as may not be readily obtainable and which therefore should be ordered long in advance of the date on which they might be required.

Respectfully submitted,

[Édouard Deville]
Chairman.

Enclosure: Draft Memorandum from Minister of the Interior to Privy Council
Pièce jointe : Projet de note du ministre de l'Intérieur au Conseil privé
Copy/ Copie

[Ottawa,] October 15, 1920.

To His Excellency The Governor in Council.

The undersigned has the honour to report that explorations in Canada's northern hinterland are lacking in completeness and that it is in his opinion desirable that further explorations be carried on at the earliest possible date for the purpose of securing more complete information regarding these lands and their natural resources.

The undersigned has therefore the honour to recommend that he be authorized to charter or purchase a suitable vessel and to make such further preliminary arrangements as may be required for the outfitting and dispatching of such exploratory expedition, and that a special warrant of the Governor-General do issue for the sum of \$100,000, the necessity being urgent and the Minister of Finance having reported⁶¹ that there is no parliamentary provision for this expenditure.⁶¹

224.

Minutes of meeting of Advisory Technical Board
Procès-verbal de réunion du Conseil consultatif technique
LAC/ BAC, RG 88, vol. 222, file/ dossier 17290
Copy/ Copie

[Ottawa]

Precis of Minutes of Seventeenth Regular Meeting of the Advisory Technical Board, held on 27th October, 1920.

PRESENT: Messrs. Deville, Klotz, Ogilvie, Challies, Harkin, Dwight, Lynch, McArthur, and Chalifour.
 [...]

4. Re occupation of Arctic Islands. (Sub-Committee, Dr. Deville, Dr. Klotz, Mr. Ogilvie, Mr. Harkin, Mr. Lynch, Mr. McArthur, and Mr. Chalifour.) The Chairman reported the result of his interviews with the Minister and the Deputy Minister to the effect that immediate action if possible should be taken by the Board. The Chairman also submitted the report of Dr. King 1905, with Dr. Klotz's summary⁶² of recent Arctic expeditions, also a copy of the resolution passed at the Sub-Committee meeting of 25th October recommending that Captain Pickles be requested by telegraph to come to Ottawa for consultation. Dr. Klotz reported the substance of two letters⁶³ which he had recently

⁶¹ Otto Klotz recorded that the approval of this draft memo by the Advisory Technical Board was forced on the other members by Harkin. Klotz and others felt that they were being "stampeded" and that a more detailed plan should be worked out before the matter was submitted to Council. Minister Loughheed may have agreed, since this memo does not in fact seem to have been submitted.

Otto Klotz a consigné que Harkin a forcé les autres membres du Conseil consultatif technique à approuver le projet de note. Klotz et d'autres estimaient qu'ils se faisaient « bousculer » et qu'un plan plus détaillé devrait être conçu avant que la question ne soit soumise au Conseil. Le ministre Loughheed peut avoir accepté puisque cette note ne semble pas en fait avoir été soumise.

See/ Voir Klotz diary, journal de Klotz, 15 October 1920, LAC, BAC, MG 30 B-13, vol. 4.

⁶² Copy in Copie dans LAC, BAC, MG 30 B-57, file/ dossier "Reports & Memoranda, 1905-1923."

⁶³ Copies in/ Copies dans SC, MSS 196, box 5, folder 13.

received from Mr. Stefansson. After some discussion in which the necessity of prompt action was shown by Mr. Harkin, who also spoke of the use of [an] airship, the following resolution, proposed by Mr. Harkin and seconded by Mr. McArthur was carried.

That in the opinion of the Technical Board immediate action should be taken in the matter of occupation and administration of Ellesmere Land for the purpose of definitely establishing Canadian sovereignty therein.

That in that connection the Government should immediately ascertain whether it is practicable to send a boat into Baffin Bay this autumn.

That if reports in that connection are favorable a ship should be forthwith despatched to Baffin Bay with instructions to proceed to Bylot Island.

That as soon as Bylot Island is reached an aeroplane party should be sent to Ellesmere Land to start occupancy and administration.

That an overland party with the same object in view should also be sent from the ship at Bylot Island.

That the ship should proceed from Bylot Island as soon as ice conditions permit, to Ellesmere Land to extend and amplify the work of occupation and administration started by the two preceding parties.

That if expert advice indicates that it is not possible for a boat to navigate Baffin Bay this autumn, the British Government should be asked to immediately transport a Canadian party to Ellesmere Land by airship.

[...]

[F.C.C. Lynch,] Secretary.

225.

Memorandum for Prime Minister by Legal Adviser, Department of External Affairs
Mémoire à l'intention du premier ministre du conseiller juridique, ministère des
Affaires extérieures
LAC/ BAC, MG 26 I-2, vol. 13, file/ dossier 7

EXPLORATION AND OCCUPATION OF THE NORTHERN ARCTIC ISLANDS.
 MEMORANDUM FOR THE PRIME MINISTER [ARTHUR MEIGHEN].

Secret

1. The necessity for taking concrete steps to confirm the Canadian assertion of sovereignty over the northern arctic islands has now become more urgent; for information has been received that the Government of Denmark, instead of merely contemplating an expedition next year to settle Ellesmere Island as previously reported, have actually sent their expedition;⁶⁴ indeed it is understood that it reached the scene of action in the summer of 1920. The Department of the Interior have information concerning this.

2. Practically the question concerns the islands north of Lancaster Sound; that is to say, Ellesmere Island, Heiberg Island, North Devon, Bathurst Island, the Ringnes Islands, Melville Island, Prince Patrick Island, and the islands discovered by the Stefansson Canadian Arctic Expedition of 1913-18, not to speak of any as yet undiscovered islands that may exist in this region. South of Lancaster Sound there is nothing, so far as our information goes, to indicate any likelihood that our claim will be disputed; and for the present at all events no special action seems called for in that quarter.

⁶⁴ This was a false story originating with Stefansson. Il s'agit d'une fausse histoire créée par Stefansson. See/ Voir Klotz diary/ journal de Klotz, 28 October 1920, LAC/ BAC, MG 30 B-13, vol. 4.

3. The position is that we have at various times asserted a claim of sovereignty broad enough to cover these islands, that in respect of some of them our case on grounds of discovery and exploration seems better than that of other nations, but that in respect of a number of them other nations could probably make a better case on these grounds than we could. But the important point is that mere discovery and exploration, even accompanied by a formal assertion of sovereignty, are not enough, without more, to create a permanent perfect title. At best such acts give rise only to what is described in international law as an inchoate or imperfect title. To complete this title action must be taken, amounting to what is known as occupation. When a state does some act with reference to unappropriated territory which amounts to an actual taking of possession, and at the same time indicates an intention to keep the territory seized, it is held that a right is gained as against other states, which are bound to recognize the intention to acquire title, accompanied by the fact of possession, as a sufficient ground of proprietary right. The title thus obtained, called only by occupation, being based solely upon the fact of appropriation would in strictness come into existence with the commencement of effective control, and would last only while it continued, unless the territory occupied had been held so long that title by occupation had been merged in title by prescription.

4. An inchoate title acts as a temporary bar to occupation by another state, but it must either be converted into a definitive title within reasonable time by planting settlements or military posts, or it must at least be kept alive by repeated local acts showing an intention of continual claim. What acts are sufficient for the latter purpose, and what constitutes a reasonable time, cannot well be catalogued. Each case must be judged in the light of its circumstances as a whole. It should be noted however that a modern tendency has arisen to exact that more solid grounds of title shall be shown than used to be accepted as sufficient.

5. The best discussion of the whole subject may be found in Hall's *International Law*,¹⁰ Part II, Chapter 2. The question has been considered by Canadian Governments in the past. Thus in the confidential Report made in 1904 by Dr. W. F. King, Chief Astronomer of the Department of the Interior, upon the title of Canada to the islands north of the mainland, the following opinion by the Hon. David Mills is cited (p. 22):

"It will not be difficult to show that title according to the usages of nations, cannot be based upon discovery made at some period long past. There must be, besides discovery, such acts of occupation or settlement accompanying the act of discovery or following it within a reasonable time, as will serve to show that the authority of the sovereign has had a potential existence over the territory so claimed."

6. According to our geographical authorities Denmark has had nothing to do with the discovery or exploration of these islands. In this sphere the only rivals of British explorers have been Norwegians and Americans, but so far as appears, neither the Norwegian nor the American Government has shown any intention of making an effective occupation. In relation to Denmark therefore we appear to be in a stronger position so far as the question of inchoate title is concerned.

Possibly the Danish Government feel that they have a case on the score of the contiguity of Ellesmere and some of the other islands to Greenland. Ellesmere is indeed nearer to Greenland than to the mainland of Canada. But contiguity gives no title. If we ever allowed the whole question to come before an international tribunal or council, this factor might in certain circumstances be considered in the minds of statesmen. But it need not concern us at present.

¹⁰ William Edward Hall, *A Treatise on International Law*, 7th edn. ed. by A. Pearce Higgins (Oxford: Clarendon, 1917).

Another consideration may be suggested here. Denmark is [a] European power. Extensions of European power in the Western Hemisphere are presumably in conflict with the American Monroe Doctrine. Conceivably if the question ever came to an issue we might secure American support on this score. Canada however could scarcely afford to make such an appeal. But what might be worth considering would be to announce a similar doctrine of our own and then to base our claim and action in respect of the northern islands partly upon that ground.

7. In view of the reported Danish action it is apparent that the most important immediate point toward which any Canadian action should be directed is Ellesmere Island. Action there seems urgent; action elsewhere seems necessary but not so urgent.

8. The question then arises as to the concrete steps we might take that would amount to occupation and so perfect our inchoate title. As already seen this is a question in law to be judged by the light of the circumstances of each case. The peculiar present conditions of arctic communication and habitation would undoubtedly be factors in this question. What might reasonably be required to establish the fact of occupation in a temperate zone country might well be unreasonable in the arctic zone. For example while in the temperate zone it might be reasonable to require permanent settlement or police posts continuously in existence, it would seem reasonably sufficient in the arctic that there should be only periodical sojourns, say, during the summer months. Occupation must be kept alive by repeated local acts showing an intention of continual claim. In the arctic it could hardly be insisted that the interval between these local acts should be as short as in the case of a country where communication was easy. A year or even two years, depending on circumstances, might be enough.

9. To meet the case for the present, therefore, some such practical program as the following, or some variation of it, might be considered:

(a) A Canadian Government Arctic Expedition to be despatched as soon as possible to complete the mapping of lands already known and to discover any lands not now known. This expedition should be regarded and announced as a continuation of the Stefansson Expedition of 1913-18, and the Bernier Expedition[s], since those expeditions were designed and announced as an integral part of the policy of making good the Canadian claim to the northern islands (See the Orders in Council). Thus striking notice of the continuity of our policy in this respect would be given the world — an important point.

(b) Steps to be taken at the same time and in conjunction with (a) to establish our customs, game law, and possibly police administrations at strategically selected points.

(c) The operations under (a) and (b) to be combined. The ship conveying the exploratory expedition could be classed as a revenue cutter, and could carry north customs, game law and perhaps police officers as well as the others. After establishing and administering appropriate posts and stations these officers could return with the ship at the end of the navigation season, leaving the exploration party to continue in other ways. The ship could return every summer or every other summer according to circumstances.

(d) For the exploration work the name of Mr. Vilhjalmur Stefansson suggests itself, both because of his connection with the previous expedition, and because of the economical method of arctic exploration and travel which he has developed. It is understood that Mr. Stefansson would be prepared to undertake such work for the Government, but his lecture engagements are such that an understanding should be reached with him by the end of January, 1921; otherwise he will not be available.

10. These suggestions have been outlined for the purpose of illustrating what in law would amount to an occupation. The drawing up of a detailed program should presumably be referred to the departments concerned in conjunction with the explorer to be selected.

11. A further question that might with advantage be referred at the same time to the technical departments concerned is the feasibility of encouraging the quiet, unostentatious settlement of Wrangel Island by some Canadian development company, such as the Hudson's Bay Company. This if done would establish a basis for a subsequent assertion of Canadian title to the island, an asset that might prove of value in the future.

12. It is also submitted that in the future we should refrain in official or public documents from admitting that the 141st meridian north of Alaska constitutes the Western boundary of the Canadian domain. Official documents in the past have implied such an admission. There is no need for this. The treaty defining the Alaska boundary carries the 141st meridian only "to the frozen ocean".

L.C. Christie

Ottawa, October 28, 1920.

226.

Memorandum from Surveyor General to Deputy Minister of the Interior

Note de l'arpenteur général au sous-ministre de l'Intérieur

LAC/ BAC, RG 88, vol. 5, file/ dossier 17435

Copy/ Copie

[Ottawa,] October 29, 1920.

The Deputy Minister of the Interior [W.W. Cory],
Ottawa.

Memorandum:

The Advisory Technical Board has passed several resolutions recommending immediate action with a view to defeating the alleged intention of the Government of Denmark to take possession, through Knud Rasmussen, of Ellesmere island in the Arctic Sea. The last resolution of the Board suggests a combined sea and aeroplane expedition immediately, or if it is found that a boat cannot navigate Baffin Bay now, the resolution recommends that the British Government be asked to transport the party by balloon from Scotland.

I wish to dissociate myself from these resolutions. From the information to which I have had access, I am satisfied that the alleged intention of Knud Rasmussen or of the Danish Government to occupy Ellesmere island or to establish a trading post on it has never existed, otherwise than in Mr. Stefánson's imagination. The wild schemes suggested for the immediate occupation of the island can only result, if they become known, in bringing ridicule over the Department.⁶⁶

Respectfully submitted,

[E. Deville]
Surveyor General.

⁶⁶ On Deville's sceptical attitude regarding Stefánson's claims about the alleged Danish plan, see also Klotz's diary. En ce qui concerne le scepticisme de Deville au sujet des revendications de Stefánson à propos du prétendu plan danois, voir aussi le journal de Klotz, 25 October 1920, LAC/ BAC, MG 30 B. 13, vol. 4.

227.

Memorandum from Deputy Minister of the Interior to Surveyor General**Note du sous-ministre de l'Intérieur à l'arpenteur général****LAC/BAC, RG 88, vol. 5, file/dossier 17435**

Ottawa, 30th October, 1920.

Memorandum.

Dr. Deville.

I have discussed with the Minister the matter of the British Sovereignty of Arctic Islands, and it has been decided that it would be inadvisable to attempt an expedition until navigation opens up in the Spring.

In the meantime, of course, we should go ahead with the consideration of this thing and endeavour to get a scheme in shape for the Minister's submission to Council.

I am sending you a map⁶⁷ showing explorations in Northern Canada and adjacent portions of Greenland and Alaska.

W.W. Cory
Deputy Minister.

228.

Letter from Vilhjalmur Stefansson to Prime Minister**Lettre de Vilhjalmur Stefansson au premier ministre****LAC/BAC, MG 26 I-2, vol. 13, file/dossier 7**

[New York,] October 30th, 1920.

Sir:

The evening of October 2nd you called for a conference with you[,] Mr. Christie, Dr. Rutherford, and myself. At the end of our discussion of the importance of making good Canada's territorial claims in the North and of exploring the unknown ocean, not only for the increase of knowledge but to acquire for Canada any territories that may lie therein, you asked me to submit a brief outline suggesting what might be done in this regard. I make this outline very brief but I am prepared to amplify any part of it if desired.

(1) Announce plan to continue explorations: The Government should let it become widely known as soon as possible that we intend to continue our explorations of the polar ocean and of all lands therein, whether discovered or undiscovered. This exploration will go hand in hand with occupation. The objects will be the increase of knowledge, the development of natural resources, and the enforcement of the laws of Canada.

(2) Revenue cutter service: As a first step in the carrying out of this program, I recommend a revenue cutter service similar to that by which the United States have since the purchase of Alaska maintained their authority in that territory. A revenue cutter should sail each year from some eastern port northward as far as the ice allows in any particular season with a northern limit at Cape Columbia, a point that can probably not be reached more than one year in five through ordinary ship navigation. More southerly points can, however, be reached in any ordinary year. This revenue cutter should carry magistrates

⁶⁷ This was a map by James White, originally included in W.F. King's 1904 report, with updates added by hand. Il s'agit d'une carte par James White (incluse à l'origine avec le rapport de W.F. King de 1904), avec des mises à jour ajoutées à la main.

with authority to adjudicate disputes and to try criminals for any but the most serious crimes. There would also be police officers to enforce the decrees of these magistrates and to bring south prisoners guilty of serious offenses.

There are in existence three ships particularly suited for this work. The "Arctic," formerly called the "Gauss," is the property of the Canadian Government and lies in the St. Lawrence River as a lightship. An inquiry should immediately be made as to how much it will cost to fit this ship for a northward voyage in July, 1921.

The "Roosevelt," the ship that Peary used in his later voyages, was employed by the American Fishery Service for some time but has now been sold to private owners. The present owner is an acquaintance of mine in Seattle. I am leaving in a few days for the Pacific Coast and I shall find out whether the "Roosevelt" is for sale, how much she would cost, and in what condition she is.

The third and perhaps best ship is the "Discovery," used by Scott on his first antarctic voyage and now owned by the Hudson's Bay Company. I was told last May in London that she is in good condition. I have no doubt she could be leased or purchased from the Hudson's Bay Company.

In addition there are many ships in Newfoundland, Norway and elsewhere used for the whaling and sealing industries which are moderately suitable for ice navigation and can doubtless be purchased or leased.

(3) Police posts: It would seem that a police post should be established on Baffin Island at least North of Baffin Island the advisability of permanent posts in the immediate future is at least doubtful. I should think that none should be established unless it is the opinion of the legal advisers of the Government that these posts will give a stronger claim to Ellesmere Island and North Devon than would result from an annual visit of a revenue cutter empowered to collect revenue and enforce the laws. If police posts are established, they can be supplied annually by the revenue cutter above suggested.

(4) Mapping of known lands: If we value the northern islands, the first logical step is to map them carefully to ascertain their location and extent. The work of the Canadian Arctic Expedition of 1913-1918 has shown clearly that the position and extent of our islands does not in reality conform to the maps. Some big islands have actually vanished in the face of our exploration, while others have been discovered, and the outlines of still others materially changed.

(5) Economic survey of the known lands: This survey should have in mind especially the following points: (a) grazing resources for reindeer and musk oxen, (b) fisheries resources, both ocean and fresh water, (c) mineral resources, such as coal, oil, copper, and the like, (d) the study of methods of communication both by land and sea with reference to the use of dogs, reindeer, tractors, submarines, aeroplanes, dirigibles, and any other means of travel. There should also be consideration of the establishment of wireless stations.

(6) Discovery of new lands: The last expedition gave us good reason to think that there are probably undiscovered lands lying northwest of Prince Patrick Island and north of Wrangel Island. We should be the country to discover these, both because it is a creditable thing to add to the sum of knowledge and also because the time will soon come when all lands, even the most northerly, will be valuable. This is beginning to be so well understood that a country other than ours which discovers islands to the north is now almost certain to follow the discovery by occupation, thus giving them a permanent claim to it.

(7) Policy to encourage development: I make the suggestion most deferentially, as I am here somewhat out of my sphere, but I should think that the Government should adopt a general broad policy looking towards the encouragement of private enterprise among the northern islands.

So far as the territorial rights of Canada are concerned, there are two regions of main strategic importance. In the northeast, Ellesmere Island lies close to Greenland and can, therefore, be logically and easily occupied and claimed by the Danes. If, however, we make good our claims to Ellesmere Island and the other islands fronting on Baffin Bay, we thereby more or less fence off any other country from islands lying farther west. Still, it will be important to explore and occupy the Ringnes Islands and Heiberg Island. To Heiberg Island we have as yet no claim at all, for no British subject has ever set foot upon it. The Ringnes Island group we have some claim upon in view of my own exploration of these islands, which has brought out their resources and has shown these islands to differ in shape and extent materially from the maps as laid down by the Norwegian discoverers. The Norwegian discovery was in 1901 [1900] and the Norwegian rights are, therefore, becoming shadowy, as they have not been followed up by action.

The other strategic point is Wrangel Island. From that as a base we can explore the ocean to the north, discovering any land there may be. Taking possession of it will give us a general hold upon the ocean to the northeast between it and our other islands (Prince Patrick, etc.).

Should the Reindeer and Musk Ox Commission so recommend, domestication of the musk ox in Melville Island might well be combined with an exploration to the northwest of Melville Island to discover the new lands which, as we have said above, probably exist to the northwest of Prince Patrick Island.

Unless there are legal objections, I suggest that it is not necessary to conduct two separate exploring expeditions simultaneously, providing a comprehensive plan is announced saying that we will first explore the region north of Wrangel Island and next the region northwest of Prince Patrick Island. I look upon the exploratory expedition in Wrangel Island and to the north as most pressing. At the request of Sir James Loughheed, I have outlined in a communication* to him my reasons for thinking that it will not be more than a year or two until the United States, Russia, or Japan will take possession of Wrangel Island if we do not follow up our discovery and exploration there by occupation. I should think that in view of the Danish attitude, we should assert our claims to Ellesmere Island openly and decisively. In Wrangel Island the situation is just the opposite. There our ends would be better served by the establishment of a commercial enterprise, such as fur trading, by a British concern, and exploration by a scientific expedition. The collecting of revenue, etc., could in that quarter come a little later.

The experience of my last expedition showed that the quality of men employed is most important. If we get young men who are willing to live as I have been living myself (they are easy to get), the expedition will be only half as expensive as otherwise and the amount of work will be greatly increased. I suggest that the staff of the expedition should consist of two topographers, two geologists, two experts in animal husbandry (to study the vegetation, and the food habits of reindeer, musk oxen, etc.), one fisheries investigator, one photographer, and one doctor who must be an "all around" man as well. These men would work within a radius of three or four hundred miles of the base of the expedition. In addition I should like to have four or five young men who would go with me on any long journeys. By our method it is, I believe, possible to explore the entire unexplored area in the northern ocean within five years. The cost would, I think be less than \$500,000, for the five years. A better estimate could, however, be secured from Mr. Desbarats, the Deputy

Minister of Naval Service, who is thoroughly familiar with the practical side of carrying out any such plan as that above outlined.

The expedition will be greatly facilitated by the fact that on our last expedition we discovered coal mines in nearly all the islands visited. The fuel problem, always serious in the Arctic, will, therefore, not be nearly so difficult as ordinarily.

V. Stefansson

Honourable Arthur Meighen,
Prime Minister of Canada,
Ottawa, Ontario.

229.
Letter from Deputy Head, Commission of Conservation, to Chief of Biology, Victoria Memorial Museum

Lettre du chef adjoint, Commission de la conservation, au chef de la biologie, Musée commémoratif Victoria

CMN: MCN, AC/1996-077, Series A-R.M. Anderson, vol. 38, file dossier 17

Ottawa, November 20th, 1920

Dear Dr. Anderson:

I have yours⁺ of the 19th instant, and am much indebted to you for the information respecting Wrangell Island.

[...]

Whether Russia has ever made formal claim to Wrangell Island or not, is of very little importance. While the "Hinterland" theory has not yet been accepted as International Law, it has received a quasi-acceptance, and no government would sanction any attempt to impugn the Russian title.

Yours faithfully,

James White
Deputy Head

Dr. R.M. Anderson,
Geological Survey, Department of Mines,
Ottawa.

230.

Memorandum from Deputy Minister of the Interior to Commissioner of Dominion Parks

Note du sous-ministre de l'Intérieur au commissaire des Parcs fédéraux
LAC/ BAC, MG 30 E-169, vol. 1, file/ dossier "November-December 1920"

Ottawa, 24th November, 1920.

Memorandum.

Mr. Harkin.

I herewith return one of the mimographed copies of your report⁶⁸ in regard to the British Sovereignty in the Northern Islands, and in this connection would say that the Minister thinks that possibly it would be advisable to present a more condensed report to Council. He is having the other mimographed copies returned from Council and thinks that it would be sufficient if we made the report consist of pages 23a to 29a, inclusive, with a preface not more than two foolscap pages in extent reciting the facts.⁶⁹

A large map should be prepared which can be used in Council for the purpose of explanation. If you will prepare the two pages of condensed facts Mr. Lynch should be able to mimograph them for you and you can have twenty-five sets made of the report as the Minister now desires it. Mr. Lynch can help you prepare the map.

This should all be ready by tomorrow morning as the Minister is going to see the Advisory Technical Board at that time.

W.W. Cory
 Deputy Minister.

⁶⁸ This undated memo is a very slightly revised version of one prepared for the meeting of the Advisory Technical Board on 10 November. Ce mémoire non daté est une version très légèrement révisée de celle préparée pour la réunion du Conseil consultatif technique du 10 novembre.

For the earlier memo, see/ Pour le mémoire antérieur, voir LAC/ BAC, MG 30 E-169, vol. 2.

⁶⁹ Only the introductory paragraph and the part of the enclosure that Minister Loughheed wished to use in a memorandum to Council are reproduced. Cory's request for a revised version of the memo does not seem to have been carried out. Copies identical to the enclosure, and also undated, were found in other files, where they are referred to in accompanying documents by the date 25 November 1920, no doubt because the memo was used in its existing state when Minister Stewart attended the meeting of the Advisory Technical Board on that day. For example, see [Gibson?] to Cory, 19 January 1921, and enclosure #4, LAC, RG 25, vol. 565.

Soul le paragraphe d'introduction et la partie de la pièce jointe que le ministre Loughheed souhaitait utiliser dans un mémoire au gouverneur en conseil sont reproduits. Il semble qu'aucune suite n'a été donnée à la demande de Cory pour obtenir une version révisée du mémoire. Des copies identiques à la pièce jointe, aussi non datées, furent trouvées dans d'autres dossiers où elles sont également mentionnées dans des documents d'accompagnement avec la date du 25 novembre 1920, sans doute parce que le mémoire fut utilisé dans son état existant lorsque le ministre Stewart assista à la réunion du Conseil consultatif technique cette même journée. Par exemple, voir [Gibson?] to Cory, 19 January 1921, et pièce jointe n° 4, BAC, RG 25, vol. 565.

Enclosure: Memorandum by Commissioner of Dominion Parks
Pièce jointe : Mémoire du commissaire des Parcs fédéraux
Copy/Copie

[Ottawa]

Strictly Confidential

The Advisory Technical Board has had under consideration the question of Canadian sovereignty in the Arctic archipelago. These islands aggregate over five hundred thousand square miles of territory. The general impression in Canada has been that all these islands were British, and that there was no possibility of doubt in that connection. It now appears (1) that under international law there may be grave doubts as to British sovereignty over these islands, (2) that Denmark may already have taken steps calculated to wrest from Canada the sovereignty with respect to Ellesmere Land.

[...]

From the facts submitted, it will be observed there are certain outstanding features in connection with the whole question of sovereignty in the northern islands. In the first place Canada's claim to these islands primarily depends upon claims established by various British explorers. Canada has attempted to supplement these mainly by proclamations, cruises, and actual administration of the Low expedition in 1904-5 and of the Bernier expeditions 1906 to 1910. However, under international law, continuous occupation and administration appear to be essential and the facts are [that] in regard to all these northern islands today there is neither official occupation nor administration. Titles based on discovery and exploration are at best "fictitious inchoate". Moreover Canada has not a monopoly of this type of title, because there have been discoveries and explorations in the northern islands by Americans, Norwegians, and others. Acts of occupation and administration by the Americans, Norwegians or any others would, according to international law, apparently largely serve to wipe out the present Canadian title.

It is quite clear that the Danes are thoroughly familiar with the weakness in the Canadian title not only on account of their stand with respect to Ellesmere Land, but also because of the fact that they have taken special pains to get the great powers to officially recognize Danish sovereignty over portions of Greenland where the Danes have so far failed to establish either administration or occupation. Whether Denmark at present contemplates the occupation of Ellesmere Land or not, the outstanding fact is that she or any other country is practically free to do so.

It has been shown that there are good reasons to expect that the northern islands will eventually prove commercially valuable. Moreover it is extremely undesirable from a Canadian standpoint that any foreign country should have an opportunity to establish sovereignty to the north of the Canadian mainland. In addition [we must consider] the stand of the United States Government regarding the British and Canadian desire that Britain should have the right of pre-emption in case Denmark ever undertook to dispose of

Greenland,⁷⁰ and the further fact that the United States in the case of [the] Venezuela boundary question undertook to give the Monroe doctrine an application apparently beyond that originally contemplated by President Monroe.⁷¹ The importance of Canada quietly but effectively establishing its sovereignty over the Arctic archipelago appears to be of the utmost importance. For the time being it is considered it would be sufficient to take action with respect to the chain of islands on the west side and the chain of islands on the east side. The western islands are not likely to attract any foreign countries for the moment, but the beginning of occupation and administration could very easily be made by Canada.

Beginning at the mouth of the Mackenzie river there are now several mounted police stations along the northern coast of the Canadian mainland. It is suggested that the Mounted Police should either extend their patrols from these stations to cover Banks Island and Victoria Land or to establish stations on these islands.

The discovery of oil in the northern part of the MacKenzie Basin suggests immediate action in regard to the islands mentioned. It is possible that the oil formation may extend into Victoria Land and as the world's oil supply is now becoming so reduced there is always a possibility of other countries endeavouring to establish rights in an area like Victoria Land if they consider the oil prospects are good.

⁷⁰ Harkin had been given access to the Department of External Affairs' files on Greenland, including its copies of British correspondence on Denmark's approaches to other nations in 1920, seeking their concurrence in the extension of its sovereignty over all of Greenland (LAC, RG 25, vol. 174, file C13 73). At Canada's request, and based on nineteenth-century British discoveries in northwestern Greenland, the United Kingdom had stated its desire to reserve the right of pre-emption should Denmark someday decide to sell the island. The Danes replied that they had no intention of ever selling their colony, and that the United States had been consulted and had stated its opposition to any special British rights. The UK therefore reserved only the right to be consulted should Greenland be sold.

Harkin avait eu accès aux dossiers du ministère des Affaires extérieures sur le Groenland, incluant les copies de la correspondance britannique sur les démarches effectuées par le Danemark auprès d'autres nations en 1920 en vue de solliciter leur accord afin d'étendre sa souveraineté à tout le Groenland (BAC, RG 25, vol. 174, dossier C13/73). À la demande du Canada et à la lumière des découvertes britanniques faites au XIX^e siècle dans le nord-ouest du Groenland, le Royaume-Uni avait indiqué qu'il souhaitait se réserver le droit de préemption si le Danemark devait décider un jour de vendre l'île. Les Danois répondirent qu'ils n'avaient aucune intention de jamais vendre leur colonie et que les États-Unis avaient été consultés et s'étaient opposées à ce que des droits spéciaux soient conférés au Royaume-Uni. Le Royaume-Uni donc se réserva uniquement le droit d'être consulté dans l'éventualité où le Groenland serait vendu.

⁷¹ Some US officials, most notably Secretary of State Richard Olney, had contended that Britain's dispute with Venezuela over the boundary of British Guiana was an aggressive attempt at British territorial expansion. (The United States forced Britain to accept arbitration on the matter; however, the tribunal awarded Britain most of what it had claimed.) This example is irrelevant to the case of Ellesmere Island, since — unlike Venezuela — Denmark was a European power. Thus, even an extreme version of the Monroe Doctrine could give the United States no pretext for siding with Denmark.

Certains responsables américains, plus particulièrement le secrétaire d'État Richard Olney, avaient soutenu que le différend de la Grande-Bretagne avec le Venezuela à propos des limites territoriales de la Guyane britannique était une tentative agressive d'expansion territoriale britannique. (Les États-Unis ont forcé la Grande-Bretagne à accepter l'arbitrage sur ce dossier, mais le tribunal a accordé à celle-ci presque tout ce qu'elle était revendiqué.) Cet exemple n'est pas pertinent dans le cas de l'île d'Ellesmere puisque — contrairement au Venezuela — le Danemark était une puissance européenne. Donc, même une interprétation poussée à l'extrême de la doctrine Monroe ne pouvait donner aux États-Unis un prétexte pour se ranger du côté du Danemark.

See Von Henry Cabot Lodge, "England, Venezuela, and the Monroe Doctrine," *North American Review*, vol. 160, no. 463 (June 1895), pp. 651-658.

However it is the east coast that calls for more extensive efforts of occupation and administration. Baffin Island is the largest island in the Archipelago. On the southern part there is a considerable Eskimo population and quite a number of Church of England Missions as well as several Hudson Bay and other trading posts. There are no Mounted Police stations on the island. Apparently any authority exercised is that exercised by the Hudson Bay officers. It is suggested that a Mounted Police station should be established this Spring on the southern part of Baffin Island. This in conjunction with the lease which the Government has granted to the Hudson Bay Company of a considerable portion of Baffin land and the acts of occupation that are now following the granting of this lease should be sufficient for the present to validate Canada's claims of sovereignty.

This station could be established by using the Hudson Bay boat or a Government Customs boat.

Insofar as the islands farther north are concerned there should be a special expedition. It is considered important that a Mounted Police station should be established on Bylot island; another on north Devon island, one on the south end of Ellesmere land, one on Ellesmere island in the vicinity of Cape Sabine and probably an additional one towards the north end of Ellesmere island. If this series of police stations is established it will effectually close up what might be called the front door of the Arctic Archipelago. This is specially true if the police stations on Bylot, North Devon and the south end of Ellesmere island are instructed to deal with Lancaster and James [Jones] Sounds as Territorial waters in the event of any foreign ships attempting to enter these passages.

Axel Heiberg Land and the Ringnes island[s] were discovered by Sverdrup and declared the property of the King of Norway. As these islands lie entirely to the west of the islands on which it is suggested mounted police stations should be established and as the Norwegians have not established or validated their claims by occupation and administration there would not appear to be any pressing necessity for action in regard to them for the present. However it is suggested that the Mounted Police should gradually extend their administrative acts to cover these areas.

The occupation which it is suggested should be established during the coming summer will necessarily only constitute a first step. They will have to be continuously maintained to guarantee Canadian sovereignty. It is suggested that one of the first steps to be taken after formal occupation, is an intensive examination of the islands occupied with a view to ascertaining their mineral and other wealth. In the course of a few years this plan will establish definitely whether it is worth while to continue occupation from a purely commercial standpoint. Any examination made of the country should be made not simply from a scientific standpoint but chiefly from a commercial standpoint.

From the first the Mounted Police officers sent to the North should in addition be appointed Customs officers and Immigration officers. Moreover at each station opened a post office should be formally established. It has been pointed out by Sir Joseph Pope that the establishment and maintenance of a post office is a high act of administration.

Eventually if investigation shows that there are important natural resources in the Northern islands the Government should transfer Eskimos from other Canadian areas to establish small centres of population; should induce trading companies to extend their operations to the islands or establish trading posts of its own and should establish wireless stations to put the islands into communication with the south.

Another subject that should be given consideration is the establishment of an air ship station in the vicinity of Edmonton or MacMurray from which, during the summer season

⁷² See/ Voir LAC: BAC, RG 85, vol. 1147, file: dossier 270-8-2.

some of the air ships which have been donated by the Imperial Government to Canada could make cruises over all the northern islands. Such air ships could provide communication with the established stations and keep the country thoroughly informed as to what is going on in the north.

In view of the circumstances suggesting that Denmark was perhaps endeavouring to establish its authority in Ellesmere land the Committee gave careful consideration to the question of steps to be taken to definitely establish Canadian authority during the present year. It was found unfortunately that expeditions leaving the south after the early part of October could not reach Ellesmere land before the freeze-up. It is therefore impossible to do anything in connection with an expedition this year. If any further evidence is secured indicating that Denmark is engaged in efforts of occupation on Ellesmere land there is a method by which Mounted Police could be placed on that island sometime in January. The method to be followed is the sending of an air ship from the Imperial Air Station in the north of Scotland to Ellesmere land. The direct distance is only about 2200 miles; though in sailing it is likely that a direct route could not be followed on account of the high mountains in Greenland. The large air ships have a cruising [range] of 6000 miles so there would be no unsurmountable difficulty in the way of an air ship sailing from Scotland dropping men and supplies by parachute and returning to Scotland. Such an expedition however could not be undertaken until some time in January owing to the perpetual night season in the Arctic regions which will not have ended until that time.

The most important action for the Government to take however is to arrange for an expedition for next summer to carry out the various acts of occupation which have been previously referred to. For this purpose the Government steamer "Arctic" is available. For some years it has been used as a light ship on the St. Lawrence and to put it in running order would cost it is estimated by the Naval Department about \$35,000.

Captain Pickles of Mahone Bay, Nova Scotia, who has had extensive northern experience[,] estimates that less the captain's salary (probably \$500 per month) the ship's wage bill for a six months' cruise would probably be \$18,000 or \$20,000. In addition to this there would be the cost of coal and other supplies for the ship and of supplies for the Mounted Police stations. Assistant Commissioner Starnes of the R.N.W.M. Police estimates the cost of establishing and maintaining the 5 mounted police stations for Bylot, Devon and Ellesmere Islands at \$45,000 for two years.

COST OF EXPEDITION:

The cost of the expedition to the islands of the east side is estimated as follows:

Refitting Arctic -----	\$35,000.00
Police Station (2 Yrs supplies) -----	45,000.00
Arctic Staff -----	20,000.00
Arctic Captain-----	3,000.00

In addition there would be the coal and other supplies for the ship. These together with the cost of a police station on Baffin Island and the extension of police patrols to Banks and Victoria Islands should not increase the total cost of the northern work to a sum in excess of \$150,000.00.

To make the occupation and administration effective there will of course have to be annual trips by the Arctic or some other vessel. It is estimated that these would cost approximately less than \$100,000.00, likely something between \$50,000.00 and \$75,000.00.

[J.B. Harkin]

231.

Memorandum for Prime Minister by Under-Secretary of State for External Affairs
Note à l'intention du premier ministre du sous-secrétaire d'Etat aux Affaires
extérieures

LAC/ BAC, MG 26 I-2, vol. 13, file/ dossier 7

MEMORANDUM FOR THE RT. HON. MR. MEIGHEN ON CANADA'S
 CLAIM TO CERTAIN ISLANDS WITHIN THE ARCTIC CIRCLE.

At the suggestion of Sir James Lougheed, when Acting Secretary of State for External Affairs, I have been attending some meetings of the Advisory Technical Board of the Department of the Interior, called to consider the question of Canadian sovereignty in the Arctic Archipelago.

(1) The subject of discussion at the first meeting related to the expediency of our taking possession of Wrangel Island. This island lies in the Arctic Ocean off the north coast of Siberia. Our claim of discovery thereto rests upon the fact of its having been originally sighted by a British navigator, who, however, never landed thereon. The island is unoccupied and so far as we know, unclaimed. It is far removed from the Dominion — in fact is not even in the western hemisphere, as the 180th meridian of longitude falls upon it. Essentially, it is an Asiatic island. The idea of Canada laying claim to it was originally suggested by Mr. Steffanson as a convenient base for exploration in the Arctic Ocean, but the proposal did not find favour with the members of the Advisory Board. It was generally considered that any pretensions we might have to this island must be of a very unsubstantial character, and could only result in weakening our legitimate claims to the Arctic islands contiguous to our own territory, for if we can go so far afield as Wrangel to take possession of islands, unconnected with Canada, what is there to prevent the United States or any other power, laying claim to islands far from their shores but adjacent to our own?

(2) Our claim to the islands north of the mainland of Canada rests upon quite a different footing by reason of their geographical position and contiguity. Besides which, in 1905 they were formally taken possession of by the Government of Canada, represented by Mr. A.P. Low in charge of the *Neptune*, but unfortunately this claim was not followed up by effective occupation. I think the suggestion to send a Mounted Police for[ce] to occupy certain stations on Ellesmere Land and adjacent regions an excellent one, and one which should be no longer postponed. In the past our territorial claims have suffered not a little by inaction and delay, e.g., Alaska and Labrador.⁷³

J. Pope

Ottawa, 25th November, 1920.

⁷³ A later version of this document, amended slightly by Pope, was submitted to the new Prime Minister, William Lyon Mackenzie King, on 8 June 1922. Une version amendée de ce document, légèrement modifiée par Pope, fut soumise au nouveau premier ministre, William Lyon Mackenzie King, le 7 juin 1922. See: Voir LAC/ BAC, MG 26 J-4, vol. 147, file/ dossier 1205.

232.

Memorandum from Commissioner of Dominion Parks to Deputy Minister of the Interior**Note du commissaire des Parcs fédéraux au sous-ministre de l'Intérieur****LAC/BAC, MG 30 E-169, vol. 1, file/ dossier "November-December 1920"**

Ottawa, 26th November, 1920

Memorandum:

Mr. Cory,

Herewith is a draft telegram† to Captain Pickels. The subject of the proposed Expedition was discussed in Council this morning and the Minister has instructed me to arrange for Pickels to come to Ottawa; to prepare a memorandum to Council; and to again take up with the Naval [Marine and Fisheries] Department the matter of the Arctic.⁷⁴

J.B. Harkin

233.

Memorandum from Commissioner of Dominion Parks to Deputy Minister of the Interior**Note du commissaire des Parcs fédéraux au sous-ministre de l'Intérieur****LAC/BAC, RG 85, vol. 583, file/ dossier 571**

Ottawa, 4th December, 1920

Memorandum:

Mr. Cory,

As I advised you in my memorandum of the 2[6]th ultimo the Minister among other things gave instructions for the preparation of a memorandum to Council re. the Northern Islands.

⁷⁴ Marginal note/ Note marginale :
OK. W.W. C[ory]

On 1 December Captain Harris Pickels was appointed sailing master of the new expedition, while John Davidson Craig of the International Boundary Commission was selected to be in overall command. Pickels had been recommended by Wilfred Grenfell; no documents on the reasons for choosing Craig were found. His previous experience on the International Boundary Commission may have been the key factor. With these appointments, the involvement of the Advisory Technical Board came to an end. Craig continued his work for the Boundary Commission, but in late February 1921 he was given the additional title of Advisory Engineer to the Northwest Territories Office (later Branch). He used this title in his Arctic correspondence until he was appointed officer in charge of the first Eastern Arctic Patrol in July 1922.

Le 1^{er} décembre, le capitaine Harris Pickels fut nommé maître de navigation de la nouvelle expédition, tandis que John Davidson Craig de la Commission de la frontière internationale fut choisi pour en assurer le commandement intégral. Pickels avait été recommandé par Wilfred Grenfell; aucun document sur les raisons du choix de Craig ne fut trouvé. Son expérience antérieure à la Commission de la frontière internationale peut avoir été le facteur clé. Avec ces nominations, l'implication du Conseil consultatif technique prit fin. Craig continua son travail pour la Commission de la frontière internationale, mais à la fin de février 1921, il reçut le titre supplémentaire d'ingénieur conseil au Bureau (plus tard Secteur) des Territoires du Nord-Ouest. Il a employé ce titre dans sa correspondance arctique jusqu'à ce qu'il soit nommé commandant de la première patrouille de l'Arctique oriental en juillet 1922.

See Voir Cory to Pickels, 1 December 1920, and et Cory to J.J. McArthur, 1 December 1920, LAC/BAC, MG 30 E-169, vol. 1.

The Minister's general instructions as to the character of the memorandum were that it should follow the lines that the Expedition was a natural extension of the work carried on by Lowe in 1903-4 and extended by the Bernier expeditions of 1906-10.

At the very outset the question arises as to whether the Dominion of Canada is a member of the Family of Nations as understood by International Law and therefore as to whether it is competent of itself to take any action which will effectively establish sovereignty.⁵ It is quite possible that any action with this object in mind would require to be officially endorsed by the Imperial Government. It must be kept in mind that Acts of occupation and administration calculated to establish sovereignty must be State-authorized acts.

Another question arises as to whether the Lowe and Bernier expeditions were authorized in a form in harmony with the principles of International Law. They may or may not have been. If by any chance they ha[ve] not been it is probable that the 1921 Expedition would have to repeat all the formal acts carried out by Lowe and Bernier.

In the introductory portion of Dr. King's confidential report upon the Northern Islands you will see that there is a great deal of uncertainty concerning the territory covered in the orders and acts transferring the British Islands of the North to Canada. Possibly there would be no doubt as to Canada's right to carry out acts of administration and occupation in regard to the areas actually transferred by Britain to Canada. A problem arises however owing to the uncertainty as to just what areas were transferred. A reference to International Law makes it clear that sovereignty claims based on priority of discovery and exploration are only inchoate and lapse if not made good within a reasonable time by acts of occupation and administration.

It is just possible that under International Law the British claims to sovereignty based on discovery and exploration had lapsed before the passing of the British legislation providing for the transfer to Canada.

The situation is further complicated by the fact that other countries have also inchoate claims based on discovery and exploration. Moreover there are certain Northern Islands in regard to which neither Britain nor Canada have even an inchoate title. For instance there are Axel Heiberg and the Rignes islands, discovered and formally annexed by the Norwegians. So far as I can ascertain no British subject has ever set foot on these islands. Such islands as these would obviously not be affected by Britain's transfer to Canada and in regard to them therefore would specially arise the question as to whether Canada of itself is competent to take any action looking towards the establishment of full sovereignty.

To finally clear up these matters would involve perhaps weeks of most careful and intensive investigation from every possible viewpoint. Moreover, I imagine many more complications will arise as the case is further gone into.

It is all-important that whatever is done re the new expedition shall be done in absolutely complete harmony with all the complications of International Law. It seems to

⁵ Marginal note:/ Note marginale :

re points which may be considered by other nations as outside of Canada [J.D. Craig]

⁶ Marginal note:/ Note marginale :

What is reasonable time in the Arctic? [J.D. Craig]

⁷ Stefansson had visited some of the Sverdrup Islands during the Canadian Arctic Expedition. He claimed to be a British subject but in fact was not, nevertheless, he was acting as the agent of the Canadian government. Stefansson avait visité certaines des Îles Sverdrup pendant l'Expedition canadienne dans l'Arctique. Il déclarait être sujet britannique, mais il ne l'était pas vraiment. néanmoins, il agissait à titre d'agent du gouvernement canadien.

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me therefore that the Memorandum to Council should not be prepared until the situation has been most thoroughly canvassed.

As the responsibility for the preparation of the Memorandum to Council will now naturally devolve upon Mr. Craig you may deem these points of sufficient importance to bring them to his attention.⁷⁸

J.B. Harkin

234.

Letter from Deputy Minister of the Interior to Commissioner, Royal Canadian Mounted Police

Lettre du sous-ministre de l'Intérieur au commissaire, Royale gendarmerie à cheval du Canada

LAC/BAC, RG 18, vol. 3757, file/dossier G-516-37

Ottawa, 22nd December, 1920.

Confidential.

Dear Col. Perry,—

The bearer, Mr. J.D. Craig, will call on you with full authority from me to discuss the matter of establishing posts and extending patrols in the north.

In view of the imminence of the departure of the patrol from Dawson, I venture in the absence of our respective ministers, to ask that you take any steps necessary to ensure proper and necessary instructions being forwarded to this patrol before it leaves Dawson as it constitutes, I believe, the last possible opportunity until next summer of communicating with the more remote police posts. I hope that you will be able to arrange for extensions of

⁷⁸ No memorandum on the sovereignty aspect of the planned expedition was ever formally presented to Council. On 10 January 1921 Minister Loughheed submitted a memo requesting funds to refit the *Arctic*. The memo stated that the relevant facts had already been brought to Council's attention, but this must have been done either verbally or through the informal presentation of Harkin's memo (doc. 230, enclosure). The establishment of four police posts—two on Ellesmere Island, one on Devon Island, and one on Bylot Island—was authorized by the President of the Privy Council, J.A. Calder (who was then the minister in charge of the RCMP), in February 1921. It seems likely that this approval merely confirmed what had already been decided by Council. (In accordance with a recommendation by Loring Christie, the number of posts was later reduced to two—one on Bylot Island and one on Ellesmere Island. See doc. 250.) However, even though the practical details had already been settled, the idea of a formal memo regarding sovereignty was not abandoned. In late January 1921 Craig began extensive inquiries into the questions raised by Harkin in this document.

Aucune note sur l'aspect souveraineté de l'expédition prévue ne fut jamais officiellement présentée au Conseil. Le 10 janvier 1921, le ministre Loughheed soumit une note demandant du financement pour équiper de nouveau l'*Arctic*. La note indique que les faits pertinents avaient déjà été portés à l'attention du Cabinet, mais cela doit avoir été fait oralement ou par le biais de la présentation informelle du mémoire de Harkin (voir doc. 230, pièce jointe). La création de quatre postes de police—deux sur l'île d'Ellesmere, un sur l'île Bylot et l'autre sur l'île Devon—fut autorisée par le président du Conseil privé, J.A. Calder (qui était alors le ministre responsable de la RGCC), en février 1921. Il semble probable que son approbation eut simplement confirmé ce qui avait déjà été décidé par le Conseil (Conformément à une recommandation de Loring Christie, le nombre de postes a ensuite été réduit à deux—un sur l'île Bylot et l'autre sur l'île d'Ellesmere. Voir doc. 250.) Cependant, même si les détails pratiques avaient déjà été réglés, l'idée d'une note formelle concernant la souveraineté n'était pas abandonnée. À la fin de janvier 1921, Craig lança des demandes de renseignement élaborées sur les questions soulevées par Harkin dans ce document.

See: Voir docs 234, 236; Order-in-Council décret du Conseil 1921-79, LAC/BAC, RG 2, vol. 1266, and et Starnes to Calder, 9 February 1921, LAC/BAC, RG 18, vol. 3757, file/dossier G-516-37

the patrols to Banks and Victoria Lands in the spring as a great deal may depend on the permanence of our administration there. These Islands have, as you are aware, been declared game sanctuaries by Canada.⁸⁰ The question of the establishment of permanent stations there may be left until a later date.

Regarding the expedition to be sent north by this Department next June, Council has approved of the suggestion to establish police posts on Bylot Island, North Devon Island, and two or if possible three on Ellesmere Island. The personnel for these posts naturally will have to be very carefully chosen and pending the passing of an Order in Council, which will likely be done early in the [new] year, I have thought it might be necessary for you to wire instructions to Dawson now to arrange that men of special qualifications for the work who may now be at some of the more remote posts, may be available for the expedition next spring.

There are probably other matters relative to the establishment of these posts, preparations for which should be under way at the earliest possible date.

Yours very truly,

W.W. Cory
Deputy Minister.

Col. A. Bowen Perry, C.M.G.,
Commissioner, Royal Canadian Mounted Police,
Ottawa.

235.

Letter from Commissioner, Royal Canadian Mounted Police, to Deputy Minister of the Interior

Lettre du commissaire, Royale gendarmerie à cheval du Canada, au sous-ministre de l'Intérieur

LAC/BAC, RG 85, vol. 582, file/dossier 567

Ottawa, Dec. 24th 1920.

Confidential.

Dear Mr Cory:

Mr J.D. Craig of your Department called upon me yesterday, and presented your letter of the 22nd of December, with regard to establishing Posts and extending patrols in the

⁸⁰ Order-in-Council 1918-1053, approved on 7 May 1918, forbade the issuing of licences to hunt on Victoria Island; Order-in-Council 1920-533, approved on 12 March 1920, specified the same for Banks Island. See *Canada Gazette*, 18 May 1918, pp. 4029-4030, and 3 April 1920, p. 3331. These regulations were created pursuant to the 1917 Northwest Game Act, s. 4(10)(g) and s. 4(11). In mid-1920, Parliament added a new provision to the Act that explicitly allowed for the creation of game sanctuaries. See 10-11 Geo. V (SC 1920) c. 60, s. 2.

Le décret 1918-1053, approuvé le 7 mai 1918, interdit soit de délivrer des permis pour la chasse, soit de trapper sur l'île Victoria; le décret 1920-533, approuvé le 12 mars 1920, prévoyait la même chose pour l'île Banks. Voir *Canada Gazette*, 18 mai 1918, pp. 4029-4030, et 3 avril 1920, p. 3392 (version française). Ces règlements furent créés conformément à la Loi sur la faune du Nord-Ouest, art. 4(10)(g) et art. 4(11). Au milieu de 1920, le Parlement ajouta une nouvelle disposition à la Loi qui autorisait explicitement la création de refuges de gibier. Voir 10-11 Geo. V (SC 1920) c. 60, art. 2.

⁸¹ A police post was established at Cambridge Bay, Victoria Island, in 1926. Un poste de police fut établi à Cambridge Bay sur l'île Victoria en 1926.

North. I enclose a copy of a telegram which has been sent by me to the Officer Commanding Mackenzie District.⁸¹

With regard to the proposed expedition next June, I am unable to take any action until I have had an opportunity of consulting my Minister on the subject. There will be ample time before the expedition sails for any arrangements which have to be made by the Mounted Police.

Yours faithfully,

A.B. Perry

W.W. Cory, Esq., C.M.G.,
Deputy Minister of the Interior,
Ottawa, Ont.

Enclosure: Code Telegram from Commissioner, Royal Canadian Mounted Police, to Officer Commanding "B" Division, Dawson

Pièce jointe : Télégramme codé du commissaire, Royale gendarmerie à cheval du Canada, à l'officier commandant la Division « B », Dawson

Copy/ Copie

Ottawa, December 23rd 1920.

Officer Commanding R.C.M. Police [R.E. Tucker],
Dawson Y.T.

Instruct Inspector Wood as follows: All islands in Arctic North of American Continent claimed as part of Canada[. E]xercise jurisdiction over them, if practicable, as hitherto[.] [S]end patrol Banks Island but not if you consider too dangerous. Instruct Tree River detachment to make patrols as frequently as possible to Victoria Island to see Canadian Laws observed by Traders and others.⁸²

[A. Bowen Perry]

⁸¹ The name Mackenzie District had been replaced by Arctic Sub-District, but the former evidently continued to be used informally. Inspector Stuart Wood was the officer in command. Because there was no telegraph station in the Arctic Sub-District, the instructions were sent to Superintendent Tucker in Dawson for transmission to Wood via the Dawson-Fort McPherson patrol.

Le nom de district de Mackenzie avait été remplacé par sous-district arctique, mais l'ancien nom continua de toute évidence à être employé de façon non officielle. L'inspecteur Stuart Wood fut l'officier commandant. Parce qu'il n'y avait aucune station de télégraphe dans le sous-district arctique, les instructions furent envoyées au surintendant Tucker à Dawson pour transmission à Wood via la patrouille Dawson-Fort McPherson.

⁸² No patrol was made to Banks Island. At the time this telegram was sent, two constables from the Tree River Detachment had recently begun a month-long patrol to Victoria Island. Two more patrols to Victoria Island were carried out in early 1921. See Wood to Jennings, 14 February 1921, LAC, RG 18, vol. 3757, file G-516-37, and *Report of the Royal Canadian Mounted Police for the Year ended September 30, 1921*, Sessional Papers, 1922, vol. 58-8, no. 28, pp. 43-44.

Aucune patrouille ne fut effectuée vers l'île Banks. Au moment où ce télégramme fut envoyé, deux constables du détachement Tree River avaient récemment débuté une patrouille d'un mois vers l'île Victoria. Deux autres patrouilles vers l'île Victoria furent effectuées au début de 1921. Voir Wood to Jennings, 14 February 1921, BAC, RG 18, vol. 3757, dossier G-516-37, et *Rapport de la Royale Gendarmerie à cheval du Canada pour l'année close le 30 septembre 1921*, Documents de la Session, 1922, vol. 58-8, n° 28, p. 45-46.

236.

Letter from J.D. Craig,⁸³ Department of the Interior, to Dominion Archivist
 Lettre de J.D. Craig, ministère de l'Intérieur, à l'archiviste du Dominion
LAC BAC, RG 15, vol. 2, file dossier "Arctic Islands 1920"

Ottawa, January 21st, 1921.

Confidential.

Dear Sir:-

Adverting to our conversation of yesterday afternoon, I am enclosing herewith, for your information, a copy of a memorandum⁸⁴ by Mr. Harkin, concerning the Northern Islands of Canada, and I am asking Dr. Klotz to forward to you a copy of the late Dr. King's memorandum on the same subject.

As I stated to you it is rather difficult to indicate specifically the complications of the case but the following questions, which among others have been submitted to Mr. Christie for research in London,⁸⁵ may serve to show some of the lines along which the research may be conducted:

1. Precisely what did Great Britain in 1880 consider as "British territory in North America not already included in the Dominion of Canada"?
2. Was the Imperial Order in Council of 1880 intentionally indefinite and if so, why?
3. What does "adjacent" mean? (Dr. King's memorandum, p. 5, l. 3)
4. Is there any reason to differ from Dr. King's interpretation of the intention of the parties to the transfer of 1880?
5. Can Canada of itself, that is without specific instructions from the Imperial Government, take any effective action regarding the sovereignty of lands which may be regarded by other nations as outside of Canada?

Further points will doubtless suggest themselves. I presume also that the map analysis should be brought up to date from the point at which Dr. King's analysis concludes.

When you have had an opportunity of looking into this matter I shall be glad to hear from you as to what you consider the best method of procedure so that the facts in the case may be available for presentation to the Department of Justice. If it is necessary before undertaking the actual research work to have a formal request from the Deputy Minister's office, I shall see that a letter comes to you from official source.

⁸³ At this time, Craig had no official title for his Arctic work. His correspondents addressed him simply as "J.D. Craig, Esq., Department of the Interior" until late February 1921, when he was given the title of "Advisory Engineer, Northwest Territories Office." À cette date, Craig n'avait aucun titre officiel pour son travail concernant l'Arctique. Ses correspondants s'adressèrent à lui simplement comme « J.D. Craig, Esq., Department of the Interior » jusqu'à la fin de février 1921, lorsqu'il reçut le titre d'ingénieur conseil, Bureau des Territoires du Nord-Ouest.

⁸⁴ See/ Voir doc. 230, enclosure/ pièce jointe.

⁸⁵ Christie was in Europe to attend the first assembly of the League of Nations. He left London on his return journey before Craig's request reached him. Christie se trouvait en Europe pour assister à la première assemblée de la Société des Nations. Il quitta Londres pour revenir au pays avant que la demande de Craig ne lui parvienne.

In accordance with your suggestion I am asking the Deputy Minister's office to have Mr. Christie advised to get into touch with Mr. Biggar in London.⁸⁶

Yours sincerely,

J.D. Craig

D.L.S.

Dr. A.G. Doughty,
Dominion Archivist,
Ottawa, Ont.

237.

Memorandum from Commissioner of Dominion Parks to Deputy Minister of the Interior

Note du commissaire des Parcs fédéraux au sous-ministre de l'Intérieur

LAC/BAC, MG 30 E-169, vol. 1, file/ dossier "January-March 1921"

Ottawa, 17th February, 1921

Memorandum:

Mr. Cory,

In accordance with your instructions I have had several conferences with Mr. V. Stefansson concerning the question of further exploration work in the Beaufort Sea area. The plan which we have decided upon as being most satisfactory is that this Summer an advance party not exceeding five should be sent up as far as the head of Flager Fiord or as near as practicable, on the S.S. Arctic, and that this party in the Fall of 1921 or Spring of 1922 should proceed to some point on Axel Heiberg Island and there locate a permanent base. There will be quite a lot of work involved in the transportation of supplies for this base and the proper organization of the base.

The party of five men should properly consist of in the first place one practical man of extensive northern experience. Mr. Stefansson has such a man in view – a party who was with him over four years on one of his previous Arctic trips.⁸⁷ The party should also include a topographer, a zoologist, a mineralogist and a botanist. Mr. Stefansson has suggested that Mr. Fred. Lambert [Lambart], of the Geodetic Survey, should be named as commander of this part of the expedition, though the practical man should be supreme in regard to matters of transport and camp organization.

It is considered that when the Arctic makes her second trip in 1922 for the purpose of carrying supplies to the various police stations Mr. Stefansson should proceed on her to the head of one of the Fiords near Cape Sabine and then travel on to his main base, located by the advance party on Axel Heiberg Island. From this point he will make his ice trips into Beaufort Sea in search of new land and for the purpose of collecting scientific information.

⁸⁶ Doughty assigned the work to Hensley Holmden in Ottawa and H.P. Biggar in London. For the results, see docs 248 and 265. Doughty attribua le travail à Hensley Holmden à Ottawa et à H.P. Biggar à Londres. Pour les résultats, voir docs 248 et 265.

⁸⁷ Lorne Knight.

I should have explained that in 1922 when Mr. Stefánsson goes north he should take four or five additional men with him of suitable scientific and other qualifications for the work. If at that time any of the first party have decided that they do not wish to remain in the north they will be able to return on the Arctic in 1922.

Mr. Stefánsson prefers that so far as his services are concerned the arrangements should be similar to those made with respect to his previous expeditions, viz. that he should receive no salary. The balance of the party of course will have to be paid. Mr. Stefánsson estimates that their salaries should average about fifty dollars per month.

The main items therefore in connection with this exploration work will be on account of food and equipment. The duration of the trip should be fixed at three years. On this basis a rough calculation, and yet a conservative one, it is believed, suggests that the entire cost of this exploration expedition should be from seventy-five to one hundred thousand dollars.

Of course it is to be distinctly understood that Mr. Stefánsson will be in supreme command of the exploratory work of this expedition.

I beg to recommend that the scheme of work as outlined be approved.⁸⁸

I am attaching a copy of memorandum⁸⁹ dictated by Mr. Stefánsson which goes into more detail with regard to the scheme.

J.B. Harkin

238.

Memorandum for Prime Minister by Legal Adviser, Department of External Affairs
Mémoire à l'intention du premier ministre du conseiller juridique, ministère des
Affaires extérieures
LAC/BAC, MG 26 I-2, vol. 13, file/dossier 7

EXPLORATION AND OCCUPATION OF THE ARCTIC ISLANDS.

Secret.

1 Since the Department of Justice has undertaken an examination of the legal questions raised in connection with the proposed occupation of the Arctic Islands,⁹⁰ it is unnecessary to consider them here. Other points concerning the meaning of certain instruments of the Imperial Government have, it is understood, been referred for investigation to appropriate agencies in London. These points, while they might, in the event of a conceivable future arbitration, assume importance, do not seem to bear upon the policy or line of action to be adopted now. What requires consideration at the moment is the position of foreign Governments in relation to our proposed action and the bearing that this may have upon our policy.

⁸⁸ Marginal note: 'Note marginale :

OK. B.O.M. W.W. C[ory]

⁸⁹ Craig asked the Deputy Minister of Justice, W. Stuart Edwards, for an opinion on Canada's title, and later provided him with extensive documentation; but Edwards was clearly not inclined to take the matter up. No substantive report was ever produced by the Department of Justice.

Craig demanda au sous-ministre de la Justice, W. Stuart Edwards, un avis juridique sur les droits du Canada et lui fournit plus tard une documentation exhaustive, mais Edwards n'était visiblement pas enclin à s'occuper du sujet. Aucun rapport de fond ne fut jamais produit par le ministère de la Justice.

See: Voir Edwards to Cory, 4 July 1922, LAC/BAC, RG 85, vol. 584, file/dossier 571.

2. Canadian Governments have for years consistently asserted the sovereignty of the Crown (on behalf of Canada) over the islands of the Arctic Archipelago, and have never, it is believed, by word or deed, made any admission in derogation of this assertion. This, it is assumed, should be the fundamental starting point in arriving at the instructions to be given to the proposed expedition. Accordingly, unless there are compelling objections arising from our international relations, the instructions should be absolutely clear that the expedition is at no time to do any act, or to refrain from acting, in such a way that their action or inaction could in the future be adduced as evidence against our assertion of sovereignty.

3. Are there any compelling objections to such a course arising from our international relations? It is submitted that there are not.

There are three other States to be taken into account – the United States, Norway and Denmark. It does not appear that either the Government of the United States or the Government of Norway has shown any present intention of attempting to occupy any of these islands, or indeed has ever officially indicated such an intention. That being so we can proceed without hesitation so far as they are concerned.

4. There remains Denmark. So far as the Government of Denmark is concerned there has been no categorical expression or indication of an intention to occupy Ellesmere Land or any of the other islands. Rasmussen has made certain statements, and he is understood to be engaged now in certain activities in the Arctic the motives of which are rather obscure; but the Government of Denmark in their note⁹⁰ on the question (see Despatch of 26 April, 1920, from the Colonial Secretary to the Governor General) were careful not to make any assertion of sovereignty or to declare any intention of undertaking an occupation. The most they can be said to have done was to adopt by inference Rasmussen's theory that the territory in question is "No Man's Land". On the other hand our reply (see despatch of 13 July, 1920, from the Governor General to the Colonial Secretary) was a protest against this theory and a definite reassertion of British sovereignty; and to this declaration no reply or denial has been received.⁹¹

5. The Danish Government are evidently proceeding cautiously and it may be gathered from the course of the correspondence that if we proceed firmly and without hesitation they will not be disposed to dispute us. So long as we had not actually occupied the territory, their Government could feel on fairly sure ground in speaking by indirection of "No Man's Land"; but once we have undertaken definite action sufficient in the circumstances to amount to occupation one may suspect they will not attempt to oppose us seriously.

6. It must be remembered that, whatever Rasmussen's real instructions and real purposes are, no action of his this year can of itself constitute an occupation of the islands. Occupation implies continuous effective control. The Danish Government, if they intended occupation, would therefore be obliged to contemplate a costly series of operations stretching over years in the future. One may well doubt whether, when they find that we are in earnest, they will venture upon a competition with us, handicapped as they are by distance, or whether they will even dispute us. It would scarcely be in their interest to risk an unfriendly relation with us, especially if we say that under our sovereignty we intend to pursue, as we do throughout Canada as a whole, a liberal policy with regard to the entry of foreign capital and private ventures, subject only to the laws and conditions that apply to our own citizens. Under such conditions the Danes would have nothing of material value to gain in running the risk.

⁹⁰ Doc. 215.

⁹¹ See/ Voir docs 242, 251.

7. Furthermore if Rasmussen's instructions really look to an attempt at official occupation on the part of Denmark she is putting herself in the wrong. So far as she is concerned we have clear rights based on discovery and exploration stretching back over years, for we succeed to any rights based on the acts of British explorers, and through the Low and Bernier Expeditions we have kept our right alive by repeated local acts. Only the war has caused some interruption. Denmark has nothing on which to base any such right. Our present title in the circumstances may not be higher than what is known as an inchoate title, but it is clearly superior to hers and acts as a temporary bar to occupation by her, for it cannot yet be said that the time elapsed since our last act is unreasonably long.

8. But even if our case were in any way doubtful it is submitted that we could not afford to hesitate in the face of the possibility that an European Power might gain rights or interests in this part of the world, and in the face of our repeated assertions of sovereignty in the past.

9. On every ground therefore we should proceed without hesitation so far as Denmark is concerned. As already suggested the instructions should be clear that the expedition is at no time to do any act, or to refrain from acting, in such a way that their action or inaction could in the future be adduced as evidence against our assertion of sovereignty. The members of the expedition should at all times act with the same attitude and certainty of authority as though they were acting within their respective jurisdictions in continental Canada.

10. In this aspect of the matter it is doubtful whether it would be useful to elaborate the general instructions of this sort that may be given, or to attempt to lay down particularized instructions for every imaginable contingency. On the legal aspect – that is, on the question as to what acts will be enough to support our claim of occupation – the Department of Justice are, it is understood, being consulted; and the plan of operations, the establishment of posts and so on, will presumably be so devised as to meet the conditions suggested by that Department. But once that plan has been so concerted, the expedition should proceed to carry it through without hesitation so far as any question of our policy toward Denmark is concerned. Thus they should not allow themselves to be deterred in any way by the presence of Rasmussen and his party, and should proceed with the work as if he were not there. If he or any of his party is encountered he should be clearly told what our position is, informed of our laws, and requested to conform to them. Should it appear that he is an official or agent of the Danish Government the fact should be taken into account, for a certain courtesy is due to such an official even if he is in a wrong position.

11. The question may arise whether any action of the expedition should be pushed to a point, whether by the arrest of individuals or otherwise, where it would become necessary to test the whole position in the courts. It may be doubtful whether it would be well to invite the issue in such a form at this stage, but questions relating to prosecutions are for the Department of Justice, and it would be as well to consult them on the point.

L.C. Christie

Ottawa, February 17, 1921.

239.

Letter from Prime Minister to Vilhjalmur Stefansson
Lettre du premier ministre à Vilhjalmur Stefansson
SC, MSS 196, box 7, folder 1

Ottawa, February 19th, 1921.

Dear Mr. Stefansson:

I have discussed the matters which you laid before me today and desire to advise you that this Government purposes to assert the right of Canada to Wrangel Island, based upon the discoveries and explorations of your expedition.

I believe this is all that is necessary for your purposes now.

Faithfully yours,

Arthur Meighen

V. Stefansson, Esq.,
 The Chateau Laurier,
 Ottawa, Ontario.

240.

Memorandum for Prime Minister by Legal Adviser, Department of External Affairs
Note à l'intention du premier ministre du conseiller juridique, ministère des Affaires extérieures
LAC/ BAC, MG 26 I-2, vol. 13, file/ dossier 7

EXPLORATION AND OCCUPATION OF THE ARCTIC ISLANDS.
 WRANGEL ISLAND.

Secret

In a memorandum of October 28, 1920, a question was raised concerning the expediency of taking steps looking to the eventual occupation by Canada of Wrangel Island. On further reflection it is submitted that this would be very unwise. The British Empire is already so large, the burden of development upon our white population so great, and the envy and suspicions of foreign Powers on account of our great possessions are so active, that it seems clearly in our interest to be careful to refrain from further acquisitions unless in any given case there are compelling practical reasons for the addition. It is difficult to discover any such reasons in this case. Wrangel Island does not naturally fall into what may be regarded as the Canadian regional system. It does not appear that our naval or military authorities have ever recommended its acquisition or worth on strategical grounds. Its commercial value is speculative and apparently no detailed study of this point has been presented to support the case for acquisition. In this connection it must be remembered that under modern international relations the ownership of territory does not confer exclusive commercial privileges. No nation can expect to pursue a permanent policy of exclusion, especially in respect of its undeveloped colonial possessions. We could not expect to make Wrangel Island a private preserve of our own. And on the other hand we could expect that our traders would get fair commercial privileges even if the Island were eventually occupied by another Power. Again by attempting to occupy the Island we should run the risk of arousing the susceptibilities of both Japan and Russia. Finally by wandering outside our own hemisphere and region we would inevitably detract from the

strength of our case for the ownership of the islands immediately north of Canada which we really need and desire. It is submitted that on the present showing the disadvantages far outweigh any possible advantages and that nothing should accordingly be done.

L.C. Christie

Ottawa, February 28, 1921.

241.

Letter from Prime Minister's Private Secretary to Vilhjalmur Stefansson
Lettre du secrétaire particulier du premier ministre à Vilhjalmur Stefansson
SC, MSS 196, box 7, folder 1

Ottawa, March 1, 1921.

Dear Mr. Stefansson,

The Prime Minister asks that pending further advice you make no use of his letter to you of February 19th about Wrangel Island.

Yours faithfully,

Chs Armstrong
Private Secretary.

Vilhjalmur Stefansson, Esquire,
Harvard Club,
New York City.

242.

Note from Minister of Denmark in United Kingdom to Secretary of State for Foreign Affairs

Note du ministre du Danemark au Royaume-Uni au secrétaire d'État aux Affaires étrangères

TNA, FO 371/6758

Danish Legation, London,
March 9th 1921.

No. 66 26/tt.

Urgent.

My Lord,

The note, Your Lordship was good enough to address to me on September 7th 1920 with regard to the protection of musk oxen in Ellesmere Island having been transmitted to the King's Government, the matter has by the Administration of the Colonies in Greenland been made the subject of serious consideration and of various discussions with Mr. Knud Rasmussen on behalf of the Cape York Committee under which is the commercial station "Thule" in the Cape York district.--

The said Committee has -- as it appears from these discussions -- already taken steps which will in future make it quite unnecessary for the Eskimos to hunt musk oxen on Ellesmere Land. A satisfactory settlement of the matter in question is thus possible and Mr. Knud Rasmussen would for that purpose much appreciate if he could have an interview with the British Authorities concerned on his arrival in London, as he wishes personally to

explain the measures adopted and the steps which may be taken in order further to settle the question.—

As Mr. Rasmussen is already arriving in London on the 11th instant I would ask Your Lordship to let me know at your earliest convenience to whom he may apply with reference to the abovementioned interview.—⁹²

I have the honour to be,
with the highest consideration,
My Lord,
Your most obedient
humble servant

H. Grevenkop Castenskiold.

The Right Honourable Earl Curzon, of Kedleston,
etc., etc., etc.

243.

Memorandum from Commissioner of Dominion Parks to Deputy Minister of the Interior

Note du commissaire des Parcs fédéraux au sous-ministre de l'Intérieur
LAC/BAC, MG 30 E-169, vol. 1, file/ dossier "January-March 1921"

Ottawa, 15th March, 1921

Private

Memorandum:
Mr. Cory,

On the 17th February I submitted to you a memorandum in which it was recommended that an arrangement should be made with Mr. V. Stefansson by which a small advance party should be sent up on the Arctic for the location of a base camp on Axel Heiberg Island and by which Mr. Stefansson should proceed on the Arctic in 1922 to the North for the purpose of proceeding from this Axel Heiberg base on an exploration trip to the Beaufort Sea. You returned this memorandum to me marked "O.K., B.O.M.". I accordingly have proceeded with arrangements in that connection with Mr. Stefansson. The first definite commitment in this matter was made on Saturday. Mr. Stefansson, as you know, wants a man named Knight who formerly worked with him in the far North, engaged as the practical man though not the Commander of this advance party. On Saturday I found that it was unavoidable to tell Mr. Stefansson to close arrangements with Mr. Knight in that

⁹² This note was forwarded to the Colonial Office along with a request that Rasmussen be granted an interview with a member of that department. Strangely, the note was not sent to Ottawa until over a month later. It was received on 14 May.

Cette note diplomatique fut envoyée au ministère des Colonies avec une demande visant à ce que Rasmussen puisse s'entretenir avec un représentant de ce ministère. Étrangement, la note ne fut envoyée à Ottawa que plus d'un mois plus tard. Elle fut reçue le 14 mai.

See Von J.D. Gregory to Sir George Fiddes, 11 March 1921 and et Sir Henry Lambert, note of conversation with Rasmussen, CO 42/1036; doc. 244; Churchill to Devonshire, 29 April 1921, LAC/BAC, RG 7 G-21, vol. 412, file/ dossier 10045.

connection. Particularly since the advent of Shackleton.⁶⁰ I fear there has been more or less of a feeling that once Canada's Police posts have been definitely established by the Arctic expedition there might be a movement to drop the Stefansson expedition of 1922. As you know I am convinced that so far as any results to be expected from either the Stefansson or the Shackleton expeditions are concerned there is no need whatever to-day of these expeditions, having in mind Canada's financial position. The Stefansson expedition as proposed really has nothing whatever to do with scientific or other results that may be obtained. The position has simply been that Stefansson being thoroughly familiar with the weakness of Canada's case with respect to the North and it not being possible to really look upon him as a real Canadian this expedition idea was developed with a view to providing a positive assurance by this sop to Stefansson's pride and selfishness that there would be no chance of his tipping off the actual situation concerning the north to either Denmark or the United States.

I do not think the proposed Stefansson expedition could be carried out for less than one hundred thousand dollars (\$100,000). It is quite a price but I do not think it is too high a one to pay for the assurance that it gives us. Of course I do not know whether this Stefansson expedition has been considered in Council but from the activities with respect to Shackleton I fear there might later on be opposition in Council to seeing the Stefansson expedition through.

It is quite true that insofar as the north is concerned once our police posts are established we will have nothing to fear from Stefansson insofar as the eastern frontier of the Arctic Archipelago is concerned.

I may say that up to date I am convinced that Stefansson is playing the game absolutely loyally to Canada. In this connection it must always be kept in mind that we owe him a debt of gratitude as the man who actually brought the weakness of Canada's case to the Government's attention.

I have before me a memorandum with respect to the organization and equipment of Stefansson's advance party and estimates concerning cost with respect to his main party of 1922 and feel that we must proceed immediately with the arrangements concerning the advance party. As it appears to me that Stefansson is acting in good faith in this matter I feel that I am in a very delicate position when I realize the possibilities of there being attempts to make Canada withdraw from final steps in connection with the expedition. Throughout, practically all the negotiations with Stefansson have been left to me. I therefore feel a keen personal responsibility in connection with the matter of the complete arrangements being fully carried out. Despite the fact that I see no need of this expedition from a scientific standpoint I nevertheless consider that Canada's good faith must be maintained with regard to it.

⁶⁰ Sir Ernest Shackleton had come to Canada to raise funds for his planned expedition to the Beaufort Sea. He met with the Prime Minister in early February. Because Shackleton seemed likely to be able to raise substantial funds on his own, there was growing interest among Canadian officials in using his services rather than Stefansson's. He visited Ottawa in April for discussions.

Sir Ernest Shackleton était venu au Canada pour faire financer son expédition prévue dans la mer de Beaufort. Il rencontra le premier ministre au début de février. Comme Shackleton semblait en mesure de recueillir des fonds considérables par lui-même, les responsables canadiens furent de plus en plus désireux d'utiliser ses services plutôt que ceux de Stefansson. Il se rendit à Ottawa en avril pour tenir des discussions.

See: Voir Meighen to Loughheed, 5 February 1921, LAC-BAC, RG 85, vol. 583, file: dossier 571. Shackleton to Meighen, 5 April 1921, LAC-BAC, MG 2612, vol. 13, file: dossier 7 and at doc. 246.

Under the circumstances recited I feel that as a go between with respect to Stefansson it is my duty to bring this situation clearly to your attention.⁹⁴

J.B. Harkin

244.

Letter from Assistant Under-Secretary of State for the Colonies to Secretary, High Commission in United Kingdom

Lettre du sous-secrétaire d'Etat adjoint aux Colonies au secrétaire, haut-commissariat au Royaume-Uni

LAC/ BAC, RG 25, vol. 565, file/ dossier "Knud Rasmussen Expedition to N.A. Arctic Archipelago"

Downing Street,
16 March, 1921.

[W.L. Griffith,
High Commission of Canada, London]

Dear Mr. Griffith,

Referring to our conversation about Mr. Rasmussen's visit, I enclose a copy of the last despatch⁹⁵ from Canada on the subject of musk ox protection in Ellesmere Land, and of the Danish Note⁹⁶ which it answered.

Mr. Rasmussen this morning certainly used no language contesting Canada's unrestricted Dominion of Ellesmere land. I myself spoke deliberately on the basis that it was entirely Canadian, and neither he nor Mr. Nyborg [Nyeboe]⁹⁷ (if I caught the name rightly) who was with him directly or indirectly demurred.

Yours sincerely,

Henry Lambert

⁹⁴ Marginal notes:/ Notes marginales :

Mr. Harkin[:] You were with me before the Minister after he saw this. W.W. C[ory]

My understanding was that the Minister would not recommend the expedition to Council. M[ar]ch 21/21. J.B. H[arkin]

⁹⁵ Doc. 218; see also/ voir aussi doc. 219.

⁹⁶ Doc. 215.

⁹⁷ A copy of Lambert's letter was not sent to Ottawa until over a month later, and it was addressed to the Department of the Interior rather than to the Department of External Affairs. It was received in Ottawa on 14 May.

Une copie de la lettre de Lambert ne fut envoyée à Ottawa que plus d'un mois plus tard et elle fut adressée au ministère de l'Intérieur plutôt qu'au ministère des Affaires extérieures. Elle fut reçue à Ottawa le 14 mai.

See/ Voir Griffith to Cory, 28 April 1921, LAC/ BAC, RG 85, vol. 583, file/ dossier 571.

245.

Memorandum from Commissioner of Dominion Parks to Deputy Minister of the Interior

Note du commissaire des Parcs fédéraux au sous-ministre de l'Intérieur
 LAC/ BAC, MG 30 E-169, vol. 1, file dossier "January-March 1921"

Ottawa, 22nd March, 1921

Private

Memorandum:

Mr. Cory,

Before preparing a reply to Stefansson's recent letter⁹⁸ to the Minister I wish to point out the following:

On February 17th I submitted a memorandum to you recommending that an arrangement should be made with Stefansson by which a small advance party should be sent up on the Arctic this year for the location of a base camp on Axel Heiberg Island and by which Stefansson should proceed on the Arctic in 1922 to the North for the purpose of proceeding from the Axel Heiberg base on an exploration trip in the Beaufort Sea. You returned this memorandum marked "OK, B.O.M." I accordingly have proceeded with arrangements in this connection with Stefansson. The first definite commitment in this connection was made on March 12, when I found it unavoidable to tell Stefansson to definitely close with Knight, a man of four (4) years experience in Stefansson's previous party, for engagement as a practical and experienced man for service in the Axel Heiberg base party. However, while Stefansson has nothing on paper his conversations with you and with me have clearly given him to understand that the advance party would go north this year. Insofar as the rest of the expedition to Beaufort Sea was concerned he was told that conditions politically and otherwise, were so unsettled, that there could be no guarantee but there is no doubt in his mind that at least a serious effort will be made to carry the scheme through.

Judging from our interview with the Minister on Friday I infer that he is not now favourable to asking Council to finance the proposed expedition. Of course that expedition was proposed originally solely as a price to be paid by Canada to guarantee Stefansson's loyalty pending the establishment of our police posts on the Arctic Islands this Summer.

Insofar as the preparations re. the Arctic are concerned I would ask whether all preparations re. the Stefansson advance party are now to be dropped.

If the Minister rules against further action the problem we have to face is whether Stefansson will remain loyal to Canada or whether he will tip off the weakness of our case re. Northern Islands to Denmark or the United States.

I am strongly of the opinion that Stefansson's course will be decided entirely on personal and selfish grounds. To hold him we have his obvious ambitions to become the "Reindeer King" of Canada and expectations of additional leases in the North in that connection; also his personal concern in the form of the reports of his last polar expedition which are now in hand.

⁹⁸ Stefansson's letter was an obvious attempt to secure a written commitment from the government regarding his planned expedition. La lettre de Stefansson était une tentative évidente d'obtenir un engagement écrit du gouvernement à l'égard de son expédition prévue.

See/ Voir Stefansson to Lougheed, 14 March 1921, LAC/ BAC, MG 30 E-169, vol. 1.

⁹⁹ Marginal note:/ Note marginale :
 Certainly not. W.W.C[ory]

On the other hand his fear that Shackleton, a rival explorer, will invade the Beaufort Sea area which he regards as his own preserve, may very strongly influence him. If he decides that he is not being well treated he can make serious trouble for us by going to Denmark or the United States or both and explaining the weakness of Canada's sovereignty claims in the North. As to any action Denmark might take it is reasonable to expect that pressure from Britain might be sufficient to handle the situation though it must be kept in mind that Denmark is in the League of Nations and therefore could insist on an arbitration. So far as the United States is concerned official Washington might be considered as unlikely to do anything hostile towards Canada but there would be the greatest danger if Stefansson went to the Hearst outfit. His claims as to the importance of the North Islands both as regards submarines and aircraft would give the Hearst people great material to work with. And it is quite possible they might force official Washington to take action. I notice in to-day's papers political considerations are evidently forcing the Harding Government to go on with the Fordney Bill, apparently against its own best judgment.¹⁰⁰

There is no doubt that purely as a matter of newspaper enterprise the Hearst people would finance an expedition themselves. It would be great newspaper work for them to have Stefansson in a race with Shackleton. When the New York papers spent so much money re. the trip of the U.S. Army balloon to Moose Factory¹⁰¹ it is easy to see how a Stefansson expedition would appeal. If Stefansson is more concerned in his prestige and exploits as an Arctic explorer than he is as a prospective "Reindeer King" I feel sure that if he realizes what he could do by approaching the Hearsts, there would be serious danger for Canada.

Under the circumstances if Canada turns down Stefansson it is obviously taking chances. The Northern Island[s] question is so important to Canada that the Stefansson issue calls for the most careful consideration. The real point is whether Canada shall guard every possible danger or whether we shall gamble insofar as one point is concerned.

¹⁰⁰ The Emergency Tariff, a forerunner of the 1922 Fordney-McCumber Tariff, was intended to protect US agriculture. Harding, a keen protectionist, supported the bill even though his predecessor, Woodrow Wilson, had vetoed it before leaving office. Although the measure was widely criticized at the time and later, there is no evidence that Harding was forced into supporting it against his better judgment.

Le tarif d'urgence, prédecesseur du tarif Fordney-McCumber de 1922, visait à protéger l'agriculture americaine. Harding, un ardent protectionniste, appuya le projet de loi même si son prédecesseur, Woodrow Wilson, l'avait bloqué avant de quitter son poste. Bien que la mesure ait été vivement critiquée à l'époque et plus tard, rien ne prouve que Harding fut forcé d'y accorder son soutien contre son gré.

See/ Voir Robert K. Murray, *The Harding Era: Warren G. Harding and His Administration* (Minneapolis: University of Minnesota Press, 1969), p. 125.

¹⁰¹ Three US Navy lieutenants on a training flight were forced off course by bad weather and landed near Moose Factory. Their reappearance after nearly a month in the wilderness caused considerable press interest, especially after disagreements between the three officers became public. See the extensive coverage in the *New York Times*, 12 January 1921, pp. 1, 3. Because the flight received no advance publicity and was soon forgotten, there was really no parallel with press sponsorship of Arctic expeditions.

Trois lieutenants de la Marine americaine en vol d'entraînement furent déroutés par de mauvaises conditions météorologiques et atterrirent près de Moose Factory. Leur retour après avoir passé près d'un mois dans la région sauvage suscita un intérêt considérable dans la presse, en particulier après que des désaccords entre les trois officiers furent rendus publics. Voir la couverture étendue dans le *New York Times*, 12 janvier 1921, p. 1, 3. Comme le vol n'avait fait l'objet d'aucune publicité au préalable et qu'il fut rapidement oublié, il n'y eut réellement aucun parallèle établi avec la commandite par la presse d'expéditions dans l'Arctique.

If it is definitely decided to turn down the Stefánsson expedition the question arises as to whether it is desirable to take any other steps to prevent the possibility of his going over to our enemies. There are a number of items that might be considered: he might be asked to visit Scandinavia and Finland for the purpose of making investigations re reindeer industry; it might be arranged that the Hudson Bay Company send a boat to Wrangel Island and Stefánsson go along to investigate and report; he might be asked to make a trip across the Barren Lands to study caribou conditions in relation to the reindeer industry; or he might be asked to be a Government candidate at the next election in an Icelandic constituency.

Stefánsson's letter to the Minister, it seems to me, was written for the purpose of putting something definite on record, in other words, to overcome the difficulty arising from our negotiating with him re the expedition but refusing to put anything in writing. Unanswered or evaded it is virtually an admission that we have contracted with him to lead an expedition; and his case is strengthened by the statement that he is sacrificing a \$60,000 lecture contract to undertake the expedition.

J.B. Harkin

246.

Memorandum [by Legal Adviser, Department of External Affairs?]

Note [du conseiller juridique, ministère des Affaires extérieures?]

LAC/BAC, MG 26 I-2, vol. 13, file/dossier 7

NORTHERN ARCTIC EXPEDITION.

The alternative scheme comprises (a) a grant in aid of Sir Ernest Shackleton's proposed expedition, and (b) the establishment of one Police Post on the south of Ellesmere Land instead of four posts; and it obviates the necessity of the Government's sending the "Arctic" north as originally contemplated.

At the conference at Commissioner Perry's office on April 9th it was understood that the following conditions would apply if this alternative scheme were adopted.

1. That the grant would be advanced half this year, and the remainder next year.
2. That Sir Ernest Shackleton should transport to its destination the necessary personnel, equipment and supplies for the Police Post.
3. That Sir Ernest Shackleton should purchase from the Government such of the supplies delivered or on order for the original scheme as might be suitable for his expedition.
4. Since that conference word has been received from Sir Ernest Shackleton that he could arrange that the Police party be relieved next year without using the "Arctic"

¹⁰⁰ This meeting was attended by Shackleton, Christie, Harkin, and Perry. Shackleton, Christie, Harkin, et Perry furent présents à cette réunion.

If this alternative is adopted it is suggested that the word "Canadian" should be a part of the name of the expedition, as in the case of former expeditions. Sir Ernest Shackleton would agree to this. On this basis he has it in mind to use the name "Eaton-Shackleton" ¹⁰³ Canadian Arctic Expedition." ¹⁰⁴

[Loring Christie?]

[Ottawa,] 14 April, 1921.

247.

Decoded Telegram (Paraphrased) from Governor General to Secretary of State for the Colonies

Télégramme décodé (paraphrasé) du gouverneur général au secrétaire d'État aux Colonies

TNA, CO 42/1033

[Ottawa, 25 April 1921]

Confidential.

It is stated in a Copenhagen newspaper report of April 9th that Knud Rasmussen will undertake an expedition from Denmark this year for the North American Arctic Archipelago to complete survey of Baffins Land and adjacent territory and to investigate conditions among Eskimos. Government of Denmark contributing to support of the expedition. Canadian Government as you will observe from correspondence extending over last two years have asserted their sovereignty over Arctic islands and last year Rasmussen and even Danish Government showed a disposition to question such sovereignty in respect of Ellesmere land.

Of course the Canadian Government have no objection to an expedition for purely scientific purposes. It would have seemed more appropriate if before embarking upon such a proposal Government of Denmark had approached Canadian Government. In order to ascertain from Government of Denmark information concerning this proposed expedition and what its precise object is Canadian Government request telegraphic enquiry be made through British Legation at Copenhagen. My Ministers would be grateful if this information could be procured at an early date and communicated by telegraph to them. ¹⁰⁵

Devonshire.

¹⁰³ Shackleton expected to receive a substantial donation from Sir John Eaton. Shackleton s'attendait à recevoir un don substantiel de sir John Eaton.

¹⁰⁴ Shackleton returned to London and reported that his ship, the *Quest*, was too small to carry both his own equipment and the supplies and personnel for the police post. He made various proposals to meet this difficulty and finally offered to establish the post in 1921, delaying his exploration work until 1922. On 9 May Prime Minister Meighen sent Shackleton a telegram informing him that he would receive no government assistance. See the extensive correspondence on this matter, also in file 7.

Shackleton retourna à Londres et rapporta que son navire, le *Quest*, était trop petit pour transporter à la fois son propre équipement et le ravitaillement et le personnel pour le poste de police. Il fit diverses suggestions pour contourner cette difficulté et finalement offrit d'établir le poste en 1921, retardant son travail d'exploration jusqu'en 1922. Le 9 mai, le premier ministre Meighen envoya à Shackleton un télégramme l'informant qu'il ne recevrait aucune aide du gouvernement. La volumineuse correspondance sur ce sujet peut aussi être consultée au dossier 7.

¹⁰⁵ The British minister in Copenhagen, Sir Charles Marling, reported that in his opinion the Canadian fears were groundless. Le ministre britannique à Copenhague, sir Charles Marling, indiqua que, selon lui, les craintes canadiennes étaient non fondées.

See/ Voir Marling to Foreign Office, 11 May 1921, TNA, FO 371/6759, and/ et doc. 255.

248.

Draft memorandum from Assistant Archivist, Public Archives, to Dominion Archivist
Projet de mémoire d'archiviste adjoint, Archives publiques, à l'archiviste du
Dominion
LAC/ BAC, RG 37, vol. 297, file/ dossier "Arctic Islands"

MEMO. RE THE ARCTIC ISLANDS

To A.G. Doughty, Esq. C.M.G.

Deputy Minister, and Dominion Archivist.

Having carefully examined documents in this office and in that of the Governor General's Secretary, concerning the title and ownership of the islands lying to the North of Canada, and also D^r King's Report thereon, I beg to submit the following report, in answer to M^r J. D. Craig's letter of January 21st last.

In that letter M^r Craig asks five definite questions.

1st Precisely what did Great Britain in 1880 consider as British Territory in North America not already included in the Dominion of Canada?

2nd Was the Imperial Order in Council of 1880, intentionally indefinite and if so, why?

3rd What does 'adjacent' mean?

4th Is there any reason to differ from D^r King's interpretation of the intention of the parties to the transfer of 1880?

5th Can Canada of itself, that is without specific instructions from the Imperial Government, take any effective action regarding the sovereignty of lands which may be regarded by other nations as outside of Canada?

These questions might be answered without any preface, but to understand the justification for the answers it is necessary to review the history of the transfer, and the correspondence which culminated in the Imperial Order in Council of 31st July 1880, the point at which D^r King commenced his consideration [...]¹⁰⁶

It is now possible in the light thrown upon the whole transaction by this secret correspondence [...] to deal with the five questions in M^r Craig's letter[,] thus.

1. Precisely what did Great Britain in 1880 consider as British Territory in North America not already included in the Dominion? "All the British Territory on the continent of North America, not hitherto annexed to any Colony," but as it was, as Lord Carnarvon, and the Report of the Colonial Office stated, "impossible to state what British possessions on the North American Continent had not already been annexed to Canada," it evidently follows that it was equally impossible to make a schedule of such possessions.

2. Was the Imperial Order in Council of 1880, intentionally indefinite, and if so, why? There can be no doubt, that the answer to this is emphatically "yes." The Imperial Government did not know what they were transferring, and on the other hand the Canadian Government had no idea what they were receiving. The Report prepared in the Colonial

¹⁰⁶ The omitted portion of the memo summarizes the despatches and other documents from the years 1874 to 1880, using the copies in the Governor General's Office (now in LAC, RG 7). However, because Holmder had not yet received the material from the Colonial Office files, and never saw the Colonial Office minutes, his understanding of British motives and intentions was flawed.

La portion omise du mémoire résume les dépêches et autres documents des années 1874 à 1880, à l'aide des copies du Cabinet du gouverneur général maintenant dans BAC, RG 7. Cependant, parce que Holmder n'avait pas encore reçu les documents tirés des dossiers du ministère des Colonies et ne vit jamais les notes du ministère des Colonies, sa compréhension des motivations et intentions britanniques était faussée.

Office deals with this, and after citing all that could be quoted as to the Canadian boundaries, proposed the annexation of that which Great Britain had power to annex, within certain limits, on the East and North. All through the correspondence the language is ambiguous, and even the writer of the C.O. report, after suggesting the limits, has to refer to the territories to be transferred, as 'these unknown Territories.' They could not define, that which in their own minds was indefinite, and hence the language and character of the Order-in-Council!¹⁰⁷

3. What does 'adjacent' mean? (D' King's memo. p. 5). The word seems to have been regularly used in the same way throughout the correspondence as well as in diplomacy. It means 'appertaining to', or 'of right belonging to', and geographically applied to islands, 'lying within, or washed by territorial waters,' and it appears, to me, in some cases to be applied to islands to reach which territorial waters must be traversed.

4. Is there any reason to differ from D' King's interpretation of the intention of the parties to the transfer of 1880? D' King appears to have had some difficulty in arriving at a satisfactory conclusion as to the intention of the Imperial authorities in the matter, judging from a comparison of pp. 6 and 8 of his 'Report'; but there does not appear to be any reason for dissenting from his opinion on page 8. The whole of the correspondence, access to which D' King had not, shows that there was from the first voluntary offer of the Territory to Canada, an earnest desire on the part of the British Government to make the transfer most full and complete. Canada did not ask for the annexation in the first place, and as Lord Carnarvon points out, it was the application for a concession to an American officer which originated the idea of transferring these territories to Canada for her own protection. It is true as has been pointed out that the one did not know what it had to give, and the other was ignorant of what it was offered, but the intention evidently was to make Canada the sole British power on this Continent. The motive beyond the desire to protect Canada, does not appear, nor is it certain that there was any, but it is quite possible that the astute minds of British statesmen may have assumed that if Canada were the proprietor of all the British possessions on this continent, and made the laws, and regulations to govern them, the American Monroe doctrine, could be appealed to, for the peaceful settlement of any dispute which might arise with any European country.

Lord Carnarvon's last despatch shows that the Imperial authorities were actuated entirely by a firm desire to 'place the title of Canada upon a clear and unmistakeable footing.'

5. Can Canada of herself, that is without specific instructions from the Imperial Government, take any effective action regarding the sovereignty of lands which may be regarded by other nations as outside of Canada?

This question appears to be answered partially by the action Canada has already taken in regard to M' Rasmussen's settlements, or activities in an effort to make settlements in part of the Territory annexed to Canada, by Great Britain in 1880, and 1895. At the same time, whilst Canada's nationhood does not appear to be sufficiently acknowledged by other nations, that she is in a position to conduct diplomatic conversations without the assistance of the Imperial Ministers Plenipotentiary; there would suggest itself [*sic*] a great deal that Canada could do. It is a question whether had the Canadian Government maintained the patrol initiated in 1904, the attempt of M' Rasmussen would ever have been made; and it is also a question whether Canada's participation in the war of 1914-1918 would not be

¹⁰⁷ After seeing the Admiralty memo (doc. 30) and the accompanying map, Holmden subsequently changed his views on this point./ Après avoir vu la note de l'Amirauté (doc. 30) et la carte qui l'accompagnait, Holmden changea par la suite d'opinion sur ce point. See/ Voir doc. 265.

considered as sufficient reason internationally for her not having prosecuted the assertion of her title in these premises. In case of arbitration it would appear that the Danish Government would find it very hard to justify their agents' actions in endeavouring to annex a portion of the Territory of a friendly state, under the circumstances then existing. Canada can assert her title by establishing patrols, and by encouraging, if necessary by initiating[,] settlements of Canadian Esquimaux, etc on the lands, by commencing the exploitation of the mines, and maintaining good order and lawful conduct in these regions.

The question suggests itself here, [whether] the United States has already recognized Canada's ownership, by citing as evidence in support of their contention before the Alaska Boundary Tribunal, maps showing the whole of those territories as British or in other words Canadian.¹⁰⁸

[...]

A question upon which the correspondence examined throws no light, is, 'why the Order-in-Council mentions no boundaries?' [...] Was there in this lack of definition any deeper reason than merely the fact that it 'was impossible to say what British Territories in North America were not already annexed to the Dominion of Canada'? Was there in the mind of the British Ministry an uncertainty as to title to any of these lands, if so why, and to what lands did the doubt apply?

As has been already pointed out the correspondence throws no light on this point.¹⁰⁹ The Canadian Government do not appear to have asked any question or entered any remonstrance, nor did they, as far as appears, ever petition for any list of what the British Authorities regarded as Territories belonging to the Crown of Great Britain lying on the North American Continent. Such a schedule of British possessions, whilst it would have necessarily included much that was already recognized as Canadian, would have served as a guide to what Canada owned after the passing of the Order-in-Council.

[...] ¹¹⁰

Reverting for a moment to the questions in Mr Craig's letter to you of Jan 21st last, I would point out that the further study of the correspondence and the record of discoveries emphasizes the answer already given to Nos. 1 and 2. It was impossible to say what was British Territory in North America not already included in the Dominion of Canada in 1880; and there can be no doubt that the Imperial Order in Council of 1880 was intentionally indefinite; not only for the reason given above, but also as a study of the dates at which flags have been raised by different nationalities shows, any assertion by Great Britain of sovereignty over many of the islands might have caused question.

¹⁰⁸ *United States Atlas: Maps and Charts accompanying the Case and Counter Case of the United States* (Washington, DC: Government Printing Office, 1904), map 35.

This was the map from the 1857 Select Committee Report on the Hudson's Bay Company (see doc. 8, footnote). Il s'agissait de la carte tirée du rapport du comité special de 1857 sur la Compagnie de la Baie d'Hudson (voir doc. 8, note en bas de page).

¹⁰⁹ See: Voir doc. 31. Holinden's conclusions would undoubtedly have been different if he had seen the minutes on this document. Les conclusions de Holinden auraient sans doute été différentes s'il avait vu les notes relatives à ce document.

¹¹⁰ The memo goes on to consider the Colonial Boundaries Act, the 1895 Order in Council, the Low, Moodie, and Bernier expeditions, and the Canadian claim to Hudson Bay as territorial waters, all based on a fairly limited set of documents. For example, Holinden did not see copies of docs 62, 63, 128, or 171.

Le memoire se poursuit pour considerer le Colonial Boundaries Act, le decret du Conseil de 1895, les expeditions de Low, de Moodie et de Bernier, et la revendication canadienne de la baie d'Hudson comme eaux territoriales, tous fondees sur un ensemble de documents passablement limite. Par exemple, Holinden n'avait pas vu des copies des docs 62, 63, 128 ou 171.

The answers to the other questions are in no way affected by the further consideration.

I would point out that many maps issued by the Dominion Government as maps of the Dominion of Canada, do not include the territory as far north as the Arctic sea; and might therefore be brought before an Arbitral Tribunal as corroborative evidence in support of a plea that the Government of Canada did not recognize their claims to the northern territory. Also that Canada's claim to these northern territories is adversely prejudiced by such a leaded subhead as occurs on p. 320 of the 'Cruise of the Arctic' Government Printing Bureau 1910 and which reads: 'Approximate length and width of the Main Islands in the Territory Annexed to Canada during the Expedition of the "Arctic," in 1906-7, and 1908-9.' Canada's title must be held under the Order in Council of 1880, possibly re-inforced by the Imperial Act of 1895.¹¹¹

As an appendix I will forward to you, a list† of maps which may affect the question, which are not in the Archives Collection, and a synopsis† of the maps we have.

I have endeavoured not to go beyond the requirements of the papers which you submitted to me, and not to trespass on the ground covered by those papers; my great object being to give a review of the correspondence etc upon this question, a work that had never been done, and to answer the queries submitted by M^r Craig.

I am, Sir,

Your ob^d Serv^t

Hensley R. Holmden
in charge of the Map Division

[Ottawa,] 26 April 1921.

249.

Letter from Commissioner of National Parks¹¹² to Legal Adviser, Department of External Affairs

Lettre du commissaire des Parcs nationaux au conseiller juridique, ministère des Affaires extérieures

LAC/ BAC, RG 25, vol. 4252, file/ dossier 9057-40

Ottawa, 5th May, 1921

Confidential.

Dear Mr. Christie,

I am sending you herewith a copy of [a] memorandum¹¹³ prepared by Mr. Holmden of the Archives with respect to the ambiguity specially mentioned in Dr. King's report concerning documents transferring the Northern Islands from Great Britain to Canada. I

¹¹¹ Holmden subsequently raised further arguments in support of Canada's claims, such as the non-official character of the Sverdrup expedition and American and Norwegian acquiescence to Canadian sovereignty declarations./ Holmden souleva par la suite d'autres arguments à l'appui des revendications du Canada, tel le caractère non officiel de l'expédition Sverdrup et l'assentiment donné par les États-Unis et la Norvège aux déclarations de souveraineté canadiennes.

See/ Voir Holmden to Craig, 22 June 1921, LAC/ BAC, RG 85, vol. 583, file/ dossier 571.

¹¹² Despite a change in Harkin's official title at this time, others continued to refer to him as the Commissioner of Dominion Parks out of habit. Malgré une modification du titre officiel de Harkin à ce moment, d'autres continuèrent à le désigner par habitude comme le Commissioner of Dominion Parks.

¹¹³ See/ Voir doc. 248.

might explain that this memorandum is only a rough draft and that Mr. Holmden is now engaged on the final draft.¹¹⁴

As I told you some days ago the main point about this memorandum appears to be that it pretty well establishes that the ambiguity in connection with the transfer was a matter of design and not accident.

It seems to me that if Great Britain 30 or 40 years ago was so uncertain as to any rights she had in regard to [the] Northern Islands our dependence on such rights without any special effort to extend and increase them is bound to leave this whole subject in a very unsatisfactory condition.

Yours faithfully,

J.B. Harkin

L.C. Christie, Esq.,

Legal Adviser, Dept. of External Affairs,
Ottawa, Ontario.

250.

Memorandum from Commissioner of National Parks to Deputy Minister of the Interior

Note du commissaire des Parcs nationaux au sous-ministre de l'Intérieur

LAC/BAC, MG 30 E-169, vol. 1, file: dossier "May-December 1921"

Copy/ Copie

Ottawa, 13th May, 1921

Memorandum:

Mr. Cory,

In addition to the interview you and I had yesterday morning with Mr. A. Brabant, Fur Commissioner of the Hudson's Bay Company[,] and Captain Mack of the same Company, I had a further interview with them in the afternoon.

The situation as I understood it was that we were to discuss with them the question of the Hudson's Bay Company carrying out through its boats and its own officers any steps that the Canadian Government considered desirable in the matter of confirming Canadian sovereignty in the Northern Islands.

¹¹⁴ This version was never completed. Instead, in March 1922 a large number of documents (including Colonial Office correspondence that had been copied in London and sent to Holmden in October 1921) were referred to the Department of Justice, which did nothing. In July 1922 the Deputy Minister of Justice, W. Stuart Edwards, returned the papers with the comment that it was not necessary for him to give a detailed opinion.

Cette version n'a jamais été achevée. À la place, en mars 1922, un grand nombre de documents (incluant la correspondance du ministère des Colonies qui avait été reproduite à Londres et envoyée à Holmden en octobre 1921) furent envoyés au ministère de la Justice, qui n'en fit rien. En juillet 1922, le sous-ministre de la Justice, W. Stuart Edwards, retourna les documents en indiquant qu'il n'était pas nécessaire qu'il rende un avis détaillé.

See: Voir Edwards to Cory, 4 July 1922, LAC/BAC, RG 85, vol. 583, file: dossier 571.

It was felt that the first consideration was economy and therefore the matter was discussed with a view to ascertaining whether the necessary action could be taken through the Hudson Bay Company at less cost than similar action through the Government itself sending up the Arctic and police officers.

While the original scheme in connection with Northern Islands involved the establishment of four mounted police posts Mr. Christie of the Dept. of External Affairs some time ago expressed the opinion that for this year it would be sufficient to establish only two stations, one on Ellesmere Land and one on Bylot Island.

The Hudson's Bay Company [boat] which is to extend the operations of the Company northward has to first carry supplies to some of the Company's stations in Hudson's Straits. It cannot do this work and arrive at Bylot Island before some time in September. It has been considered here that it is imperative that there should be an officer representing Canada on Bylot Island some time early in August because Rasmussen, the Danish Explorer, who was the first to raise the claim that the Northern Islands were "No Man's Land" is due to arrive at Bylot Island about the middle of August. He leaves Copenhagen on the 1st of June and after visiting Greenland proceeds to Bylot Island.

It seems to me that it would be a most unfortunate situation if Rasmussen of all people was able to arrive at Bylot Island and not immediately be compelled to pay duty and otherwise conform to Canadian law. I am afraid that failure in that connection might constitute further elements in favour of his contention that the Northern Islands were "No Man's Land". It would be an evidence that Canada was not exercising acts of administration.

It is now too late for the Hudson's Bay Company to make any change with respect to the sailing and itinerary of its vessel. I do not think it would under all the circumstances be sufficient for the Hudson's Bay Company's officer vested with authority from Canada to arrive and exercise authority weeks after Rasmussen had arrived.

Finding the Hudson's Bay Company's boat could not arrive at Bylot Island early enough we discussed the question of the Hudson's Bay Company itself chartering an auxiliary schooner to make a direct trip to Bylot Island. Both Mr. Brabant and Captain Mack were of the opinion that both with regard to cost and certainty of service this would not be as satisfactory as sending the Arctic up.

A charter for such a boat would cost probably about \$8000. per month for a period of three months. Moreover there would always be a certain amount of uncertainty as to the willingness of the Captain and crew of such a boat [to push] through to destination if ice and other conditions were difficult or unfavourable.

There being no possibilities of trade on Ellesmere Land at present the Company would have no grounds for justifying its undertaking to establish a station on Ellesmere land. Besides the Company's officers did not seem to care to accept responsibilities in connection with the establishment of stations on Ellesmere Land with possibilities of the Danes being there and inevitable complications.

Having in mind that the expenditures on the Arctic of refitting have now practically all been made the only cost to be incurred in sending her North would [be] the cost of fuel, wages of crew, provisions and of course the cost of establishing mounted police posts.

Both Mr. Brabant and Captain Mack seemed to think that with the Arctic ready any additional expenditure for the establishment of posts would be less through the Arctic than through any other scheme.¹¹⁵

[J.B. Harkin]

251.

Note from Minister of Denmark in United Kingdom to Secretary of State for Foreign Affairs

Note du ministre du Danemark au Royaume-Uni au secrétaire d'État aux Affaires étrangères

TNA, FO 371/6758

Danish Legation, London,
May 13th 1921.

No.141.26.tt.

My Lord,

With reference to my note of March 9th last (No. 66/26 tt.) relative to the protection of the musk oxen in Ellesmere Island I have the honour to submit to Your Lordship the following observations made by the Administration of the Greenland Crown Colonies upon this question, viz:—

1. It has been intimated to the population of the Cape York district that the commercial station "Thule" situated there and conducted by Mr. Rasmussen does not buy musk ox skins and steps are being taken with regard to the complete protection of the musk ox in Ellesmere Island.

2. Steps have been taken with a view to supply the said station with a quantity of rein deer skins sufficient to meet the needs of the population.

3. As regards hunting of musk oxen by Cape York Eskimos in Ellesmere Island the commercial station will exercise control; it may, however, be added that in the event of an unsuccessful fishing season or while on a hunting expedition for other game, in which human lives are at stake, the Eskimos may kill musk oxen to the extent demanded by the sheer necessities of the case, upon the understanding that such cases are reported to the Danish Government by whom they will be brought to the notice of the British Government.

¹¹⁵ On the same day Harkin wrote another memo, which recounted the history of the plans for a Canadian expedition at great length and argued that an immediate decision must be made regarding Stefansson. He intended this memo to be used by Minister Loughheed at the next Council meeting. There is no evidence in the file that either the Minister or the Deputy Minister had requested Harkin to produce such a memo.

Le même jour, Harkin rédigea une autre note, qui présentait en détail l'historique des plans en vue d'une expédition canadienne, et soutint qu'une décision immédiate devait être prise concernant Stefansson. Il désirait que cette note soit utilisée par le ministre Loughheed à la prochaine réunion du Conseil. Il n'y a aucune preuve dans le dossier que le ministre ou le sous-ministre ait demandé à Harkin de produire une telle note.

See Voir F.H.H. Williamson to Cory, 15 May 1921, and et Harkin 13 May, LAC BAC, RG 85, vol. 583, file, dossier 571.

In submitting the above to Your Lordship I venture to express the hope on behalf of my Government that these measures will satisfy the wishes of His Britannic Majesty's Government.¹¹⁶

I have the honour to be,
With the highest consideration,
My Lord,
Your most obedient,
humble Servant,
H. Grevenkop Castenskiöld

The Right Honourable Earl Curzon of Kedleston,
etc., etc., etc.

252.

Memorandum from Deputy Minister of the Interior to Advisory Engineer, Northwest Territories Branch

Note du sous-ministre de l'Intérieur à l'ingénieur conseil, Secteur des Territoires du Nord-Ouest

LAC/ BAC, RG 85, vol. 583, file/ dossier 571

Ottawa, 18th May, 1921.

Confidential.

Memorandum.

Mr. J.D. Craig.

I herewith return the memoranda relative to the northern expedition. This whole matter has been called off.¹¹⁷

¹¹⁶ This document was forwarded to the Colonial Office on 18 May and then to Ottawa. Ce document fut envoyé au ministère des Colonies le 18 mai et ensuite à Ottawa. See Voir TNA, CO 42 1036 and Churchill to Devonshire, 25 May 1921, LAC/ BAC, RG 7 G-21, vol. 596, file/ dossier 27489.

¹¹⁷ The decision to cancel the expedition was made at a Council meeting on 18 May. The most credible account of the reason for this decision was given by Loring Christie, who told Sir Robert Borden that new information had made it clear there was no serious sovereignty threat from Denmark. Copies of does 242 and 244, along with reports from Sir Charles Marling in Copenhagen, had arrived in Ottawa only a few days before the meeting.

La décision d'annuler l'expédition fut prise lors d'une réunion du Conseil le 18 mai. Le récit le plus crédible du motif de cette décision fut fait par Loring Christie, qui indiqua à sir Robert Borden que de nouveaux renseignements avaient établi clairement que le Danemark ne posait aucune menace sérieuse pour la souveraineté. Des copies des does 242 et 244, ainsi que des rapports de sir Charles Marling à Copenhague, étaient arrivés à Ottawa quelques jours seulement avant la réunion.

See Voir Christie to Borden, 5 September 1922, LAC/ BAC, MG 30 E-44, vol. 3, file dossier 6-6; Churchill to Devonshire, 29 April 1921, LAC/ BAC, RG 7 G-21, vol. 412, file/ dossier 10045.

Will you please prepare a historical statement of the action which has been taken by this Department upon the Minister's direction in connection with the whole subject right up to the present time, so that the Minister's record on the subject may be clear. Please consult Mr Harkin in this matter.¹¹⁸

W.W. Cory
Deputy Minister.

253.

Letter from Fur Trade Commissioner, Hudson's Bay Company, to Commissioner of National Parks

Lettre du commissaire à la Traite des fourrures, Compagnie de la Baie d'Hudson, au commissaire des Parcs nationaux

LAC BAC, MG 30 E-169, vol. 1, file dossier "May-December 1921"

[Winnipeg,] May 25, 1921.

Personal

J.B. Harkin, Esq.,

Commissioner, Dominion Parks Branch,
Department of Interior, Ottawa.

Dear Mr. Harkin:

Not having received a reply to my wire,* and to avoid a possible chance of the names of our employees in the Straits not reaching you, I am enclosing list* of same, and names of the Posts where stationed.

Since my return here, I have received advice from our London Office, to the effect that Rasmussen applied to them for supplies during his stay in the North, and transportation out when his work is finished. He made the statement that his mission in the country would be purely scientific in character.

We cabled* London on the 22nd, not to extend any aid to this gentleman, and gave our reasons. The Board replied* to the effect that they have asked Rasmussen to visit London.

As soon as we have a reply from the Board, I shall forward, for your information, copies of all correspondence in this connection.

Yours faithfully,

A. Brabant.

¹¹⁸ See Cory to Harkin, 15 June 1921, with enclosed copy of Minister Longhead's signed statement, 15 June, also in file 571. According to this document, Longhead was worried it would soon be too late to send an expedition in 1921, and therefore on 18 May he demanded a decision from his colleagues. This version of events suggested that the 1921 expedition was cancelled only because continuing debates about the Shackleton plan (see doc. 246) had delayed action for too long. However, Prime Minister Meighen had decisively rejected the idea of sponsoring Shackleton nine days before the 18 May Council meeting; see doc. 246, footnote.

Voir Cory to Harkin, 15 June 1921, avec copie jointe de la déclaration signée du ministre Longhead du 15 juin, aussi au dossier 571. Selon ce document, Longhead craignant qu'il soit bientôt trop tard pour envoyer une expédition en 1921, de sorte qu'il demanda le 18 mai une décision de la part de ses collègues. Cette version des événements donne à penser que l'expédition de 1921 avait été annulée uniquement parce que les débats continus au sujet du plan de Shackleton (voir doc. 246) avaient retardé trop longtemps le passage à l'action. Cependant, le premier ministre Meighen avait définitivement rejeté l'idée de commanditer Shackleton neuf jours avant la réunion du Conseil du 18 mai; voir doc. 246, note en bas de page.

254.

Memorandum from Commissioner of National Parks to Deputy Minister of the Interior

Note du commissaire des Parcs nationaux au sous-ministre de l'Intérieur

LAC/ BAC, RG 85, vol. 583, file/ dossier 571

Ottawa, 26th May, 1921

Memorandum:

Mr. Cory,

Last week you advised me that Council had decided to abandon the proposed expedition per C.G.S. Arctic. There is considerable recent information relating to the subject of Canadian sovereignty in the North to which your attention should be called:

Attached hereto is a page taken from the American "World's Work" for May.¹¹⁹

[...]¹²⁰

This is the first suggestion that I have seen as to the proposal that the American Navy should send an expedition to the Arctic [...]

During the past year this department has been much exercised through the suspicion that Denmark had designs on Ellesmere Land and other Arctic islands over which Canada claimed sovereignty. The situation will naturally be very much aggravated if the United States also enters the Arctic field. You will remember that it came out in the investigation in connection with the Danish matter that certainly insofar as Ellesmere Land is concerned the United States appear to have quite as much title as Britain. It also became clear that Canada's claims to sovereignty are at present of a rather nebulous character. Under International Law there must be occupation and administration in order that sovereignty may be established. Insofar as the Arctic Islands are concerned Canada has neither occupation nor administration and therefore it would appear that these islands are open to acquisition by any country which undertakes occupation and administration.

¹¹⁹ The article had been sent to Harkin by Stefánsson (who also sent copies to Loughheed and Meighen). It suggested that the United States Navy was planning an Arctic expedition following reports of the region's vast mineral and oil resources. (This article may well have been planted by Stefánsson himself.) At Cory's request, the Department of National Defence cabled to the Admiralty in London, asking if the report of an official US expedition was true. The response was that the Admiralty had no information on any such plan.

L'article avait été envoyé à Harkin par Stefánsson (qui envoya aussi des copies à Loughheed et à Meighen). Il donnait à entendre que la Marine américaine préparait une expédition dans l'Arctique en raison de rapports indiquant les vastes ressources pétrolières et minérales de la région. (Cet article pourrait bien avoir été publié à l'instigation de Stefánsson lui-même). À la demande de Cory, le ministère de la Défense nationale envoya un câble à l'Amirauté à Londres, demandant si le rapport au sujet d'une expédition officielle américaine était vrai. La réponse fut que l'Amirauté n'avait aucune information à propos d'un tel plan.

See/ Voir "Reasons for a New Arctic Expedition," *World's Work* (May 1921), p. 17, and/ et LAC/ BAC, RG 24, vol. 4043, file/ dossier 1076-1-4.

¹²⁰ The omitted portions of Harkin's very lengthy memo summarize the *World's Work* article and Hensley Holmden's recent draft report (doc. 248), emphasize the potential economic value of the Arctic, and repeat the reasons for suspecting a sovereignty threat from Denmark.

Les portions omises de la très longue note de Harkin résument l'article du *World's Work* et l'ébauche du rapport de Hensley Holmden (doc. 248); insistent sur la valeur économique potentielle de l'Arctique; et réitèrent les raisons de soupçonner que le Danemark fait peser une menace sur la souveraineté.

[]

It seems pretty clearly established that Rasmussen's proposed expedition to the Canadian islands is a scientific one. However it was he who contended that these islands were "No Man's Land" and if he arrived at Bylot Island about August 15th as expected he will have personal evidence that Canada is not administering the north islands. Should Denmark wish to raise the question later on his evidence will be available. It seems unfortunate that this should be the case.

The Køck (Danish) expedition left Denmark last year and its departure synchronized with Rasmussen's sudden departure for Greenland last Summer. The announced purpose of this expedition is to make a circular trip in north Greenland. The Colonial Office reports the following from the Royal Geographical Society:

"The Danish State has lent them a ship and the Chairman of [Køck's] committee is a former rear-admiral of the Danish Navy - the State bears part of the expenses."

This is an expedition that could easily be used for invading the northern islands if the Danish Government has such in mind. If Denmark has any ulterior motives the Rasmussen expedition and Rasmussen proposals re. conservation of musk ox may only be a blind to distract attention from the Køck expedition and give Denmark time to establish occupation in the north. It must be kept in mind that according to the Colonial Office Rasmussen has no official status in Denmark. All in all the attitude of Denmark seems to continue to be suspicious.

It is important to remember that Denmark is a member of the League of Nations and that if she established occupation and administration in the Arctic Islands Britain could not use any strong-arm methods to oust her. The case would have to go to arbitration under the League. The inchoate character of Canada's claims and the precise terms of International Law show what Canada could expect from arbitration.

The Lowe and Bernier expeditions established and maintained a semblance of Canadian administration [from] 1904 to 1910. This was on the line followed in Arctic Alaska by the United States which each year sends a cutter along the coast for the assertion of authority and administration of law. Since 1910 Canada has done nothing. The war might be taken as an excuse for its inaction but the war ended in 1918. It is clear that if Canada continues to neglect any assertion of authority in the north she is leaving these lands open to absorption by other countries. Canada can avoid the chance of complications with the United States and other countries by moving first.

The C.G.S. Arctic is practically ready to sail. The cost of outfitting and repairing totals about \$55,000. This money is now gone in any case. To provide for a north patrol by the Arctic would cost about \$26,000. Even if it [is] not deemed advisable to establish any police posts a patrol would be of real value in the maintenance of Canada's claims. Having in mind all the circumstances of the case the question arises whether \$26,000 is too much to spend this year to safeguard the Canadian north. If any other country did establish occupation of this territory the cost of arbitration, if such followed, would doubtless be much greater than \$26,000.

¹²⁰ The Danish Bicentenary Jubilee Expedition (1920-1923), led by Lauge Koch. L'Expedition jubilaire au Groënland du Nord de 1920-1923, dirigée par Lauge Koch.

One has but to recall the outburst of public indignation and protest in Canada at the decision of the Alaskan arbitration to realize what public opinion would be if any neglect on the Government's part resulted in the loss of an area thousands of times larger and more important than was involved in the Alaskan case.

J.B. Harkin

W.W. Cory, Esq., C.M.G.,
Deputy Minister of the Interior,
Ottawa.

255.

Decoded Telegram (Paraphrased) from Secretary of State for the Colonies to Governor General

Télégramme décodé (paraphrasé) du secrétaire d'État aux Colonies au gouverneur général

LAC/ BAC, RG 7 G-21, vol. 412, file/ dossier 10045

London, June 8th 1921.

Secret. Urgent.

With reference to your telegram of April 25th and my confidential despatch† of May 10th regarding Rasmussen and apprehension that Danish Government may be disposed to question Canadian Sovereignty over Ellesmere Land, a report has been received from His Majesty's Minister at Copenhagen that such a step would be directly against policy of friendship which Danish Cabinet has declared towards the British Empire, and your Ministers may, in his opinion, rest assured that any such action is not the intention of the Danish Cabinet.

[Winston Churchill]

256.

Memorandum from Minister of Denmark in United Kingdom to Secretary of State for Foreign Affairs

Note du ministre du Danemark au Royaume-Uni au secrétaire d'État aux Affaires étrangères

TNA, FO 371/6759

No. 166.26.t.t.

The Government of the Dominion of Canada having apparently entertained some misconception with regard to a Danish scientific expedition which under the leadership of Mr. Knud Rasmussen is about to leave Denmark for the Arctic regions of Canada, the Danish Minister has the honour by order of the King's Government to transmit the following statement to His Britannic Majesty's Government with the request that it may be telegraphed immediately to the Canadian Government:

The entire committee of the Knud Rasmussen polar expedition, with the exception of professor Boggild and professor Jensen, now absent on leave, has submitted the following signed statement to the Ministry of Foreign Affairs:

1. The expedition was planned in 1909 by Knud Rasmussen and the late Dr. Stensby [Steensby], professor of geography at the University of Copenhagen;

2. The plan was set forth in 1910 in the Danish scientific journal "*Geografisk Tidsskrift*",¹²²

3. The expedition has a purely scientific character and is unconnected with any political or commercial objects whatever; its chief aim is ethnographical exploration and, in addition, general researches in the interest of natural history. -

His Majesty the King has accorded his patronage to the expedition after having received from the committee a detailed explanation of the project in conformity with the foregoing statement.

His Danish Majesty's Government therefore guarantees that the expedition has no political or mercantile aims but is of entirely scientific character and that no acquisition of territory whatsoever is contemplated in the regions in question.

The Danish Minister begs to add that Mr. Knud Rasmussen's expedition is to leave Copenhagen for Greenland, their starting point, on the 16th instant wherefore it would be much appreciated if the consent of the Government of Canada to the landing and further progress of the expedition might be obtained as soon as possible and communicated to this Legation. -¹²³

[Henrik Grevenkop-Castenskiöld]

London, June 8th, 1921.

257.

Letter from Assistant Secretary, Foreign Office, to Under-Secretary of State for the Colonies

Lettre du secrétaire adjoint, Foreign Office, au sous-secrétaire d'État aux Colonies
TNA, CO 42/1037

Foreign Office, S.W.1.
9th June, 1921.

Very Urgent.

Sir:

With reference to [...] previous correspondence relative to Mr. Knud Rasmussen's scientific expedition to the North American Arctic Archipelago, I am directed by Earl Curzon of Kedleston to transmit to you herewith, for the information of Mr. Secretary Churchill, a copy of a memorandum²⁴ on this subject which has been handed to me to-day by the Danish Minister.

2. His Lordship understands that the Government of Canada has issued orders to the effect that this expedition shall be refused permission to land and pursue its researches, on the grounds that the object of the expedition is of a political nature, and that it has been

¹²² Rasmussen, "Forslag til en dansk etnografisk Ekspedition til Central-Eskimoetne," *Geografisk Tidsskrift*, vol. 20 (1909-1910), pp. 92-94.

¹²³ There is a copy of this document in the files of the Canadian High Commission, with a margin note. Il existe une copie de ce document dans les dossiers du haut-commissariat du Canada avec une note marginale :

Mr. Griffith saw Mr Rasmussen with Mr Colin Smith of Hudsons Bay Company at an interview today 9.6.21.

¹²⁴ LAC, BAC, RG 25, vol. 565, file: dossier "Knud Rasmussen Expedition to N.A. Arctic Archipelago." Doc. 256.

instituted with the intention of establishing Danish sovereignty over the territory which it is proposed to visit.

3. In view of the categorical assurance contained in the enclosed memorandum and reiterated by the Danish Minister, in the course of a personal interview here, that the expedition in question is of a purely scientific character and has no political or commercial significance whatsoever, His Lordship would be glad if the Government of Canada could be immediately informed by telegraph of the facts of the case, and requested to furnish an assurance by telegraph that the expedition will be allowed to land and pursue its investigations without interference.

4. I am to add that the matter is of considerable urgency, as the expedition is due to leave Copenhagen for Greenland on the 16th instant.

I am, Sir,

Your most obedient,
humble Servant,

J.D. Gregory

The Under-Secretary of State [Sir George Fiddes],
Colonial Office.

258.

Decoded Telegram from Secretary of State for the Colonies to Governor General
Télégramme décodé du secrétaire d'État aux Colonies au gouverneur général
LAC/BAC, RG 7 G-21, vol. 412, file/ dossier 10045

London, June 9th 1921.

Clear the Line. Urgent.

My telegram 8th June Rasmussen, Danish Minister has submitted memorandum containing definite guarantee by Government of Denmark that expedition has no political or mercantile aims but is of entirely scientific character and that no acquisition of territory whatsoever is contemplated in regions in question. He adds that expedition leaves Copenhagen for Greenland June 16th and asks that consent of Canadian Government may be given to landing and further progress of expedition. Please reply by telegraph.¹²⁵

[Winston Churchill]

¹²⁵ This telegram was passed to Minister Lougheed, who immediately cabled to the Hudson's Bay Company office in Winnipeg that the Company could provide assistance to Rasmussen. However, no one in London was made aware of Lougheed's message. It was left to Sir Joseph Pope to clarify matters a few days later, when he arranged for the Governor General's Office to send a telegram to the Colonial Office; see next document.

Ce télégramme fut transmis au ministre Lougheed qui envoya immédiatement un câble au bureau de la Compagnie de la Baie d'Hudson à Winnipeg, selon lequel la Compagnie pourrait fournir de l'aide à Rasmussen. Cependant, personne à Londres ne fut mis au courant du message de Lougheed. Ce fut sir Joseph Pope qui dut clarifier les enjeux quelques jours plus tard lorsqu'il prépara l'envoi d'un télégramme par le Cabinet du gouverneur général au ministère des Colonies; voir le document suivant.

259.

Decoded Telegram from Governor General to Secretary of State for the Colonies
 Télégramme décodé du gouverneur général au secrétaire d'Etat aux Colonies
TNA, CO 42/1033

[Ottawa,] 11th June [1921]

Your telegram 9th June Rasmussen's proposed scientific expedition. Minister of Interior has no objection to this expedition on the understanding that in landing on any territory in regions to which it is bound it does not dispute on behalf of Denmark or any other Government Canadian sovereignty thereover.

Devonshire.

260.

Letter from Secretary, High Commission in United Kingdom, to Knud Rasmussen
 Lettre du secrétaire, haut-commissariat au Royaume-Uni, à Knud Rasmussen
LAC/ BAC, RG 25, vol. 565, file/ dossier "Knud Rasmussen Expedition to N. A. Arctic Archipelago"
Copy/ Copie

[London,] 11th June, 1921.

Sir,

I have now received a communication from the Authorities at Ottawa stating that the Minister of the Interior is quite agreeable to the Hudson's Bay Company furnishing your Scientific Expedition with the necessary assistance on the distinct understanding that in landing on any territory you do not dispute on behalf of Denmark or any other Government Canada's Sovereignty thereto.

Upon receiving your undertaking to this effect I shall be glad to communicate with the Hudson's Bay Company in order that you may receive the necessary facilities forthwith.

Believe me,

Yours faithfully,

[W.L. Griffith]

Knud Rasmussen Esq.,
 Russell Hotel, London, W.C.

261.

Letter from Knud Rasmussen to Secretary, High Commission in United Kingdom
 Lettre de Knud Rasmussen au secrétaire, haut-commissariat au Royaume-Uni
LAC/ BAC, RG 25, vol. 565, file/ dossier "Knud Rasmussen Expedition to N. A. Arctic Archipelago"

London, 11th June, 1921.

Sir,

I hereby acknowledge your letter of to-day's date and have no hesitation in giving you the assurance required by the Minister of the Interior, and I hereby undertake that on landing in any territory I will not dispute on behalf of Denmark or any other Government

Canada's sovereignty thereto. As I have already informed you¹²⁶ my Expedition is of a purely scientific character and has no concern with political or commercial interests.

Yours faithfully,

Knud Rasmussen.

W.L. Griffith Esq., Secretary,
Office of the High Commissioner for Canada.

262.

Memorandum from Commissioner, Royal Canadian Mounted Police, to President of Privy Council

Note du commissaire, Royale gendarmerie à cheval du Canada, au président du Conseil privé

LAC/ BAC, RG 18, vol. 3757, file/ dossier G-516-37

Copy/ Copie

Ottawa, 24th June, 1921.

MEMORANDUM FOR THE HON. THE PRESIDENT OF THE PRIVY COUNCIL.

The undersigned begs to report that:—

A resident of Newfoundland, one Robert Janes, is alleged to have been killed in April, 1920, by Noo-Kad-Lah, Esquimo of Baffin Land, apparently at Cape Crawford, situated some 400 miles within the Arctic Circle on the north shore of Cockburn Land. So far we have had no opportunity to investigate this case, and the father of the deceased is pressing for some action to be taken by the Government.¹²⁷

Some time ago it was proposed to station four Police Detachments on the North East of the Coast of North Ellsmere Island, South Ellsmere Island, North Devon Island and Bylot Island — the S.S. "Arctic" being used for the purpose when it was intended to take the matter up, but this has now been abandoned.

A Danish Expedition to the Arctic, for scientific purposes, under the leadership of Knud Rasmussen, was to leave Copenhagen about the middle of this month with the intention of establishing their Headquarters somewhere near Lyon Inlet.

It is also reported that an American Trading and Exploring Expedition, under McMillan the Explorer, intends going up to Baffin Land and [the] Northern Islands this Summer.

It is now learned that the Hudson's Bay Company are establishing a Post this Summer in Pond's Inlet, and sending their boat the "Baychimo" for that purpose. They informed the undersigned of their willingness to give transportation, and accommodation for a couple of our men for next Winter. This would be an economical way of having the JANES murder case investigated, and necessary action taken.

¹²⁶ Rasmussen had previously made this statement in a letter forwarding a copy of his expedition plans. Rasmussen avait précédemment fait cette déclaration dans une lettre accompagnant une copie des plans de son expédition.

See Voir Rasmussen to Lambert, 4 June 1921, LAC/ BAC, RG 25, vol. 2668, file/ dossier 9058-I-40.

¹²⁷ See Voir LAC/ BAC, RG 18, vol. 3280, file/ dossier 1920-HQ-681-G-4.

In addition to the fact of investigating this murder case, the Police stationed in the northern part of Baffin Land making investigations and patrols, would be administrative acts to confirm authority and possession over that territory. The S.C. Officer in charge would report with regard to actions of the two above mentioned Expeditions.

The undersigned recommends that he be authorized to send one Non-Commissioned Officer and one Constable to Pond's Inlet per the H.B. Company Boat - the only expense being their passage, and board with the H.B. Company, the amount of which is not yet ascertained; a few dogs and very little equipment.

Respectfully submitted.

[A. Bowen Perry]
Commissioner.

Approved.
[J.A. Calder]
President of the Privy Council.

263.

Instructions from Commissioner, Royal Canadian Mounted Police, to Sergeant Commanding Pond Inlet Detachment

Directives du commissaire, Royale gendarmerie à cheval du Canada, au sergent commandant le détachement de Pond Inlet

LAC/ BAC, RG 18, vol. 3757, file/ dossier G-516-37

Copy/ Copie

Ottawa, July 6th, 1921.

Memorandum to Staff Sergeant Joy,
R.C.M. Police, Ottawa, Ont.

A detachment is to be established at Ponds Inlet, Baffins Land, and you have been selected to take charge of it.

You have been appointed a Justice of the Peace in the North West Territories, in which Baffin Land is situated, a Coroner, a Special Officer of the Customs, [and] Postmaster of a Post Office located at Ponds Inlet.

Your general duty is to enforce law and order in all the district tributary to Ponds Inlet and the authority given you as a Justice of the Peace and Coroner will enable you to deal with most cases which may arise of an infraction of the law.

As a Special Officer of the Customs, it will be your duty to enforce the Customs Laws and carry out the detailed instructions* issued [to] you by the Customs Department. As Postmaster at Ponds Inlet, it will be your duty to carry on those duties in accordance with the Post Office regulations.

Your special attention is directed to an alleged murder of a Mr. Jones, by an Eskimo, and you are directed to make a thorough enquiry into this murder, and take such steps as are required to bring the guilty parties to justice. Should you find that there is a *prima facie* case against any person or persons, it will be your duty if it is clearly established, to take the accused into custody and hold him pending instructions from Headquarters.

Arrangements are made for your board and lodging with the Hudson's Bay Company Post at Ponds Inlet. Although you are indebted to the Hudson's Bay Company for your transportation and board and lodging, and many other necessary requirements, still you must bear in mind that you are a servant of the Government, and must deal with all Trading Companies exactly on an equal footing.

I rely upon your good judgment and previous experience to carry out your important duties with credit to yourself and to the satisfaction of Headquarters.

[A. Bowen Perry]
Commissioner

264.

Despatch from Deputy Governor General to Secretary of State for the Colonies
Dépêche du député du gouverneur général au secrétaire d'État aux Colonies
TNA, CO 42/1034

Ottawa, 14 July, 1921.

Confidential.

Sir,

With reference to your Confidential Despatch† of the 25th May transmitting a copy of a note from the Danish Minister regarding the protection of musk oxen in Ellesmere Island, I have the honour to inform you that, in the view of the Commissioner of Dominion [National] Parks, who has given a good deal of study to this whole question, if the programme of the Danish authorities is carried out there will be no reason to fear sudden depletion of the musk-ox herds.

It is, however, specially important that Mr. Rasmussen should strictly adhere to the policy of refusing to buy or trade in musk-ox skins. It is not considered that there could be any objection to the provision that if any of the Cape York Eskimo are in danger of starvation they may provide food for themselves by killing sufficient Ellesmere Land musk-oxen to meet the necessity of the case; provided the Danish Government carries out its undertaking to report all such cases to His Majesty's Government.

I have the honour to be,

Sir,

Your most obedient,
humble servant,

John Idington
Deputy Governor General.

The Right Honourable Winston S. Churchill, P.C.,
Secretary of State for the Colonies.

265.

Letter from Assistant Archivist, Public Archives, to Advisory Engineer, Northwest Territories Branch, Department of the Interior

Lettre de l'archiviste adjoint, Archives publiques, à l'ingénieur conseil, Secteur des Territoires du Nord-Ouest, ministère de l'Intérieur

LAC/BAC, RG 85, vol. 584, file/ dossier 571

Ottawa, 31st October 1921

J.D. Craig Esq.

International Boundary Commission

Dear M^r Craig,

Enclosed please find a rough copy of the Admiralty minute [memorandum]¹²⁸ accompanying the map¹²⁹ I showed you this morning.

It seems pretty decisive as to the intent of the Order in Council.

Faithfully yours

Hensley R. Holmden

Ass^t Ar[chivist] in Charge of Map Division

266.

Memorandum from Commissioner of National Parks to Deputy Minister of the Interior

Note du commissaire des Parcs nationaux au sous-ministre de l'Intérieur

LAC/BAC, RG 85, vol. 585, file/ dossier 574

Ottawa, 3rd January, 1922

Memorandum:

Mr. Cory,

You recently sent me copies of communications[†] forwarded by the State Department [Department of External Affairs] with respect to the conflict between Norway and Denmark concerning the recognition of Danish sovereignty over the entire area of Greenland. I am forwarding these communications on to Mr. Craig for notation and he will then forward them to Mr. Finnie to file.

¹²⁸ See/ Voir docs 30, 31.

Doughty and Holmden had recently received copies of these documents and other Colonial Office correspondence from H.P. Biggar in London. However, Biggar was not allowed to copy the minutes. Holmden thus did not see the Colonial Office response to the Admiralty letter and memo, and so took an erroneous conclusion about the memo's impact on the 1880 Order-in-Council.

Doughty et Holmden avaient récemment reçu de H.P. Biggar, en poste à Londres, des copies de ces documents et autre correspondance du ministère des Colonies. Cependant, Biggar ne fut pas autorisé à copier les notes du ministère des Colonies relatives à ces documents. Holmden ne vit donc pas la réponse du ministère des Colonies à la lettre et à la note de l'Amirauté et tira ainsi une conclusion erronée au sujet de l'impact de la note sur le décret du Conseil de 1880.

¹²⁹ Biggar had discovered the 1879 Admiralty map (see map 3) in the Colonial Office Library. Copies were made and sent to Ottawa. Two are also in file 871. (Biggar avait découvert la carte de l'Amirauté de 1879 (voir carte 3) dans la bibliothèque du ministère des Colonies. Des copies furent faites et envoyées à Ottawa; deux de ces copies se trouvent aussi dans le dossier 571.)

See/ Voir Biggar to Christie, 18 October 1921, LAC/ BAC, RG 25, vol. 4252, file/ dossier 9057-40

Apparently Denmark has issued some special regulations regarding the additional territory and these regulations are the specific cause of all Norway's agitation.¹³⁰ I think it would be well for our State Department to get a copy of these regulations for the information of this Department.

Norway apparently is specially concerned in certain sealing, whaling and hunting rights which it claims with respect to Greenland. It is of course unfortunate that Canada's consent to recognition of Danish sovereignty [by Great Britain] was granted without the Interior Department being consulted.¹³¹ However, it is now no use discussing that phase of the situation.

In regard to the whole of northern Canada it must be kept in mind that we all believe that the North will eventually be of real commercial importance though that condition will not be brought about probably for some years to come. However, in view of these facts it is most desirable that Canada should watch carefully all developments with respect to the north and that it be first on the ground with respect to all the islands lying north of the Dominion. Such a policy will serve to guard against complications in the future.

Norway's attitude with respect to the Danish extension in Greenland is of special significance insofar as Canada is concerned. As you know the Norwegian explorer, Sverdrup, explored a considerable portion of the west coast of Ellesmere Land and was I believe the discoverer of Axel Heiberg and of the Rignes islands. He proclaimed Axel Heiberg and the Rignes islands the property of the Danish [Norwegian] Crown and I am under the impression that he made a similar proclamation with respect to the west coast of Ellesmere Land. When Norway is so insistent regarding the comparatively insignificant rights which it is advancing with respect to Greenland it seems to me that she is certain to put up a strong fight for Axel Heiberg and the Rignes islands. As I have already stated it is obvious that Canada cannot afford to have an alien power in possession of any of the islands lying to the north of the Canadian mainland. If Canada does not quietly proceed with the absorption of all these islands sooner or later there will be complications with probably Norway and other countries. The Norwegian title as it stands now is of no significance under International Law. The country which first establishes occupation and administration will have indisputable right. The duty of Canada therefore seems obvious. It is important that the conflict between Norway and Denmark should be closely followed. It is quite possible that as development proceeds in the North Canada may find Denmark's regulations with respect to Greenland more or less irksome. Take the single item of ships securing fresh water. While ordinarily ships in the north get their fresh water by melting ice from icebergs it is conceivable that there might also be good reasons for securing fresh water from the lands on the Greenland side. Moreover if fishing becomes an important consideration in the North the question of landing places, harbors, etc., will arise. In this

¹³⁰ On 10 May 1921 Denmark had proclaimed that all of Greenland was under its authority; Norway had formally protested against this declaration. Le 10 mai 1921, le Danemark avait proclamé que tout le Groenland se trouvait sous son autorité; la Norvège avait officiellement protesté contre cette déclaration.

See/ Voir Oscar Svarlien, *The Eastern Greenland Case in Historical Perspective* (Gainesville: University of Florida Press, 1964), p. 30.

¹³¹ In fact, in 1919 the matter had been referred to a committee consisting of Édouard Deville, James White, Otto Klotz, J.J. McArthur, and J.E. Chalfour. All but White belonged to the Department of the Interior. They concluded that Canada had no claim on northwestern Greenland. En fait, en 1919, la question avait été référée à un comité composé d'Édouard Deville, James White, Otto Klotz, J.J. McArthur et J.E. Chalfour. Tous, sauf White, étaient du ministère de l'Intérieur. Ils conclurent que le Canada n'avait aucune revendication sur le nord-ouest du Groenland.

See/ Voir LAC/ BAC, RG 88, vol. 374, file/ dossier 17042.

connection it is well to bear in mind that in the early summer the ice packs in along the Canadian shore and that the open waters of the north lie in along the Greenland shore. A rigid policy of monopoly carried on by Denmark with respect to Greenland may conceivably be disadvantageous to Canadian interests.¹³² However, the all important question is that Ellesmere Land and the Arctic islands lying to the west and south thereof should be definitely and finally established as Canadian territory.

J.B. Harkin

W.W. Cory, Esq., C.M.G.,
Deputy Minister, Dept. of the Interior.

267.

Memorandum from Director, Northwest Territories Branch.¹³⁴ Department of the Interior, to Commissioner of National Parks
Note du directeur. Secteur des Territoires du Nord-Ouest, ministère de l'Intérieur, au commissaire des Parcs nationaux
LAC/BAC, RG 85, vol. 583, file/dossier 571
Copy/Copie

[Ottawa,] 18th January, 1922.

Memorandum:

Mr. J.B. Harkin,
Dominion Parks Branch.

I think we are all agreed that the proper course to insure sovereignty over the various Islands in the Arctic is to have a Government boat patrol those waters each year and to have Government officials stationed, permanently, on the larger Islands. This was the scheme suggested last year but which, unfortunately, was abandoned early in the Spring.

¹³² This passage suggests that Harkin was considering the possibility of a Canadian claim to northwestern Greenland. If so, nothing more was said about the plan./ Ce passage laisse croire que Harkin considérait la possibilité d'une revendication canadienne sur le nord-ouest du Groenland. Sur ce cas, rien d'autre ne fut mentionné à propos du plan.

¹³³ Marginal note:/ Note marginale :

Mr Finnie for his views. W.W. Cory]

Although Oswald Finnie had been appointed to head what was then known as the Northwest Territories Office in the spring of 1921, he was not involved in the planning for an Arctic expedition at that time because he immediately went north to establish administration in the Mackenzie District and did not return to Ottawa until October.

Bien que Oswald Finnie eût été nommé pour diriger ce qui était alors connu comme le Bureau des Territoires du Nord-Ouest au printemps 1921, il n'était pas impliqué dans la préparation d'une expédition dans l'Arctique à ce moment parce qu'il partit immédiatement vers le Nord pour établir l'administration dans le district de Mackenzie et ne revint pas à Ottawa avant octobre.

¹³⁴ At the time, this title was a de facto one. Order in Council 1922-1874, approved on 27 July 1922, officially created the position, retroactive to 15 December 1920. See LAC, RG 2, vol. 1309. Before the formal approval, Finnie was often addressed as Director of the Northwest Territories Branch, but his stationery bore the letterhead "Northwest Territories Office."

À ce moment, ce titre en était un de fait. Le décret du Conseil 1922-1874, approuvé le 27 juillet 1922, créait officiellement le poste, avec application rétroactive au 15 décembre 1920. Voir BAC, RG 2, vol. 1309. Avant l'approbation officielle, Finnie fut souvent appelé directeur du Secteur des Territoires du Nord-Ouest, mais sa papeterie portait l'en-tête « Northwest Territories Office ».

Just as soon as the Minister¹³⁵ returns this matter will be revived and, if it is possible, the steamer "Arctic" equipped and furnished with the necessary supplies and men to take possession.

In view of the controversy now going on, with respect to the tremendous expenditure incurred by the Stefansson Expedition of 1913-18,¹³⁶ it might possibly be that public opinion will be against further expenditures of a large nature on these Northern Islands. Only yesterday I noticed an editorial in one of the Ottawa papers discrediting further expenditure.¹³⁷ If, therefore, the Minister will not approve of sending out the "Arctic" equipped with men and supplies then we should endeavour to take possession in some other way.

Please see the letter of Captain Munn,[†]¹³⁸ immediately hereunder. He offers to place a Trading Station on the South end of Ellesmere Island and maintain it for a period of five years, provided we pay the man in charge \$2000 per annum salary and \$3000 per annum maintenance. We might appoint him Postmaster and general Government agent and hoist the Union Jack. If this station were maintained for a period of five years, as undertaken by Captain Munn, it would I think give us undisputed possession of that Island at least. This scheme is to be commended in as much as it is comparatively inexpensive.

I would like to have the benefit of your views on this question and to know whether they agree with mine as expressed herein.

[O.S. Finnie]

268.

Memorandum from Commissioner of National Parks to Director, Northwest Territories Branch, Department of the Interior

Note du commissaire des Parcs nationaux au directeur, Secteur des Territoires du Nord-Ouest, ministère de l'Intérieur

LAC/ BAC, RG 85, vol. 583, file/ dossier 571

Ottawa, 25th January, 1922

Memorandum:

Mr. O.S. Finnie,
Northwest Territories Branch.

I beg to return herewith your File 43 with a memorandum thereon addressed to me with respect to the question of needs for establishing and maintaining Canadian sovereignty in the north.

It is obvious that there is real necessity for action of some kind. As to just what means should be taken is a question for careful consideration. On account of the solution of the Danish question there is perhaps not now the same necessity for rushing action in connection with the sovereignty question that there was last winter. Nevertheless the fact

¹³⁵ Following the Liberal election victory in December 1921, Charles Stewart had been named as the new Minister of the Interior. À la suite de la victoire électorale des libéraux en décembre 1921, Charles Stewart avait été nommé comme nouveau ministre de l'Intérieur.

¹³⁶ For example, see/ Par exemple, voir "Karluk Journey Was Big Scheme to Exploit News," *Ottawa Journal*, 14 January 1922, p. 12; "Charges against Stefans[s]on True, O'Neill Declares," *Montreal Daily Star*, 16 January 1922, p. 2.

¹³⁷ "Notes and Comment," *Ottawa Journal*, 17 January 1922, p. 6.

¹³⁸ Not found./ Non retrouvée.

remains that Canada has not established its sovereignty in the Northern islands and that this can only be done by occupation and administration.

Personally I strongly favour action in connection with this matter being taken by Government officers rather than by traders to whom certain powers may be delegated. With the ever-increasing scarcity of furs there is a constant advance by the fur traders into the more remote areas. Even if only one particular trader enters a district others soon follow. It must be kept in mind that they are competitors and that in a remote country very undesirable and unfortunate developments might follow if one trader was singled out by the Government to represent it. For instance I am quite convinced that it is a great mistake to have as we have at present at certain points Hudson Bay Company employees acting as Customs officers. It does not matter how honest these men may be in their administration[,] there is bound to be a suspicion on the part of other traders in that regard. Moreover, a Hudson Bay Company employee who might act as Customs officer necessarily acquires full information in regard to the entire outfit of his competitors and in that regard will have an unfair advantage over them.

As to the particular proposition concerning Captain Munn and Ellesmere Land I may say that last Spring the Hudson Bay Company made a similar proposition. I have no doubt that within a very short time traders will find it advantageous to take natives to Ellesmere Land and other unoccupied northern islands in order that the natives may trap for them.

If it is impossible for the Department to provide for acts of administration in these northern islands otherwise than by delegating authority to traders that course will be very much better than the present policy of doing nothing, but I am very much inclined to think that though such a policy would save some money for the Government it is a dangerous policy and moreover it seems to me that in view of the potentialities of the north and the possible developments in the sovereignty situation the soundest course is for the Government, through its own officials to take the necessary action.

J.B. Harkin

269.

Memorandum from Deputy Minister of the Interior to Director, Northwest Territories Branch

Note du sous-ministre de l'Intérieur au directeur, Secteur des Territoires du Nord-Ouest

LAC/BAC, RG 85, vol. 583, file/dossier 571

Ottawa, 3rd February, 1922.

Memorandum.

Mr. Finnie.

I herewith return the file relative to the Arctic and the northern expedition and in this connection would say that it would be advisable to consult with Mr. Craig and Mr. Harkin and prepare a memorandum giving the reason why the expedition was started last year and showing what outlay has been made; also making a recommendation for this year.

I want something that the Minister can talk over and discuss in Council.

¹³⁰ Marginal note:/ Note marginale :

M^r Craig[:] Will you prepare this? O.S. F[innie]

The attached application¹⁴⁰ of Captain J.E. Bernier for the position of Commander might be acknowledged.

W.W. Cory
Deputy Minister.

270.

**Memorandum from Advisory Engineer to Director, Northwest Territories Branch,
Department of the Interior**

**Note de l'ingénieur conseil au directeur, Secteur des Territoires du Nord-Ouest,
ministère de l'Intérieur**

LAC/ BAC, RG 85, vol. 583, file/ dossier 571

Ottawa, Feb 17 1922

Mr. Finnie

Herewith is memorandum revised as suggested by Mr. Harkin.

J.D. Craig

**Enclosure: Memorandum by Advisory Engineer, Northwest Territories Branch
Pièce jointe : Mémoire de l'ingénieur conseil, Secteur des Territoires du Nord-Ouest
Copy/ Copie**

Confidential.

[...] ¹⁴¹

Regarding the future there are several alternatives.

(1) No action might be taken. This would leave the matter in its present very unsatisfactory condition. Canada's title is admittedly imperfect and at best inchoate. No patrols have been undertaken for some years and in the more northerly portions, at least, no acts of administration have been performed. There has been no attempt at jurisdiction, and there has been no occupation by Canadians. Several expeditions [of] other nationalities have gone into the Northland, and while we have reason to believe that they are purely scientific and non-political in their aims, we have no definite assurance that such is the case. Any other nation may, at any time, take up the matter of establishing a title to the islands, and Canada may not become aware of it for some time, and would be powerless to do anything to prevent it. Even her claims of priority might be disputed or nullified.

¹⁴⁰ Following the death of Captain Pickels, Bernier had written to Prime Minister King offering his services. Après le décès du capitaine Pickels, Bernier avait écrit au premier ministre King pour offrir ses services.

See/ Voir Bernier to King, 23 January 1922, LAC/ BAC, RG 18, vol. 3757, file/ dossier G-516-37.

¹⁴¹ The omitted portion of the memo repeats the arguments made in various earlier memos by Harkin and others, and relates in detail the reasons for suspecting Danish motives.

La portion omise du mémoire répète les arguments présentes dans diverses notes antérieures par Harkin et d'autres et rapporte en détail les raisons d'entretenir des soupçons au sujet des motivations danoises.

(2) Officers of trading companies might be commissioned as officers of the Crown to collect duties, enforce the laws, act as Postmasters, etc. This at best would be merely an evasion of the real question and would be an admission of the weakness of Canada's case without taking really effective steps to strengthen her position.

(3) Mounted Police posts might be established at various points as was proposed last year to administer the law and establish rights of occupation. This, accompanied by an annual patrol of the northern waters by a duly commissioned Government ship, would appear to be the logical solution of the question. Properly organized and regularly sustained posts, and an efficient annual patrol would, in a short time, certainly establish Canada's title beyond any doubt.

This would entail a considerably larger expenditure at the moment, but this would be more than offset by the assurance that would result of confidence in the future with regard to our position in the North. It would seem, under the circumstances, that the expenditure of even a much larger amount would be justified, to show to all concerned that we consider the islands ours and that we have every intention of holding them.

We have a good ship that can be made ready for sea at comparatively little expense, and upon which there has already been spent a considerable sum, a sum which would be practically wasted if the expedition is finally abandoned, and it would appear to be false economy, even in these times of financial stringency, to risk losing our large and potentially valuable possessions in the North, and to give some other nation an opportunity to establish itself there in order to save the comparatively small amount necessary to carry on the work as proposed.

The cost of attempting to maintain or establish title by commissioning trading company officers as officers of the Government would be probably about \$5000.00 per station, and it is more than probable that it might not be convenient or even possible to locate these stations at the most strategic points.

The cost of sending the "Arctic" north to establish posts would be, according to a recent estimate, between \$40,000 and \$45,000 this year and possibly \$5000 less in succeeding years. This covers the cost of equipping and maintaining the boat, the pay of officers and crew, and fuel and supplies. It was proposed last year to establish four or five posts, the estimated cost of each being about \$20,000. This does not include pay or subsistence of the men as it was expected that men already members of the Royal Canadian Mounted Police would be detailed for this duty, and their subsistence and pay would have to be provided for even if they were not sent North.

In view of all the circumstances, it is strongly recommended that authority be granted and funds provided to continue preparations for an expedition in accordance with the proposals of last year.¹⁴²

[J.D. Craig]
Advisory Engineer.

[Ottawa,] 16th February, 1922.

271.
Letter from Vilhjalmur Stefansson to Prime Minister
Lettre de Vilhjalmur Stefansson au premier ministre
LAC/ BAC, MG 26 J-1, vol. 82, file/ dossier "1922 Stefansson"

Note: This letter was written at a time when I thought I could not see the Prime Minister. I am handing it in now as a memorandum of our conversation¹⁴³ as the Prime Minister requested. V. Stefansson

[New York?] March 11, 1922.

Sir:

This memorandum is intended to place before you the need of adopting at once a definite policy towards the polar regions in general and in particular towards Wrangel Island.

Wrangel Island is of considerable intrinsic and of great strategic value — strategic both in the commercial and military sense. This can be seen only after a fundamental consideration of the rapidly changing status of the polar regions. I shall not go into this fully here but am ready to do so at any time.

¹⁴² Whether Minister Stewart presented these arguments to his colleagues is not clear. On 22 February 1922 a further proposal for occupation by traders was received from Alfred Tremblay, an associate of Captain Bernier. Harkin, Craig and Finnie all emphatically recommended against accepting it. However, Bernier and Tremblay gained the support of various Liberal politicians, including cabinet minister Ernest Lapointe. They re-submitted their proposal on 25 March. The persistence of Bernier and his associates would seem to indicate that they believed the prospects for a 1922 government expedition were poor. Minister Stewart gave the Bernier plan a hearing in early May, but Finnie and the others successfully used the occasion to make their own case for a government expedition.

On ne sait pas avec certitude si le ministre Stewart présenta ces arguments à ses collègues. Le 22 février 1922, une autre proposition d'occupation par des négociants fut reçue d'Alfred Tremblay, un associé du capitaine Bernier. Harkin, Craig et Finnie recommandèrent tous avec insistance de ne pas l'accepter. Cependant, Bernier et Tremblay obtinrent le soutien de divers politiciens libéraux, incluant le ministre du cabinet Ernest Lapointe. Ils resoumirent leur proposition le 25 mars. La persistance de Bernier et de ses associés semblerait indiquer qu'ils croyaient que les perspectives d'une expédition gouvernementale en 1922 étaient faibles. Le ministre Stewart donna au plan de Bernier une audience au début de mai, mais Finnie et les autres réussirent à utiliser l'occasion pour présenter leur propre cause pour une expédition gouvernementale.

See/ Voir LAC/ BAC, RG 85, vol. 596, file/ dossier 928, and/ et doc. 275.

¹⁴³ According to King's diary, he spoke with Stefansson on 17 March. See entry for that date, LAC, MG 26 J-13. Selon le journal de King, il parla avec Stefansson le 17 mars. Voir l'entrée pour cette date, BAC, MG 26 J-13.

There are several factors which are now combining to change the notions towards the polar regions. The two chief ones are:

1. That whenever transoceanic commerce by air becomes a commonplace (and many think that will be within the next ten or fifteen years) the main air routes between such countries as England and Japan, for instance, and in general between all countries near the Arctic Ocean, will lie across some part of the polar regions. This is because the polar air route will be shorter and safer at all times of year and pleasanter in the summer months. There are many apparent objections to this view but a thorough consideration will show that they are apparent only. This commerce will give to every island that dots the polar ocean a new importance with relation to the supply bases and relief stations that will eventually be scattered wherever air traffic is common.

2. The world is rapidly awakening to the intrinsic economic importance of all northern lands. The remotest islands will soon be known to be valuable, both for the minerals and foods they can supply and as stations for the exploitation of the surrounding ocean.

At present the situation is most pressing in regard to Wrangel Island, as will appear from a brief sketch of its history.¹⁴⁴

Wrangel Island was discovered by Captain Kellett, of the British Navy, in 1849, and was thereafter known as Kellett Land. This gave the British a discovery right to Wrangel Island, but under a general principle of international law this right lapses in five years if the nation having the claim takes no steps to follow it up.¹⁴⁵ The British discovery claim to Wrangel Island, therefore, lapsed in 1854.

Twenty years after Kellett (1869) Wrangel Island was sighted by Captain Long, an American whaler, who did not have with him charts showing Kellett Land and, therefore, supposed that he had discovered a new land. He knew that in the third decade of the 19th century Baron Wrangel on behalf of the Russians had been in search of a land in this vicinity of which he had learned from native reports but which he had never found. Thinking himself to be the discoverer, Captain Long on his arrival at Honolulu in the Hawaiian Islands, announced the supposed discovery and gave it the name of Wrangel Island in recognition of Baron Wrangel's endeavors.

I believe that under international law this sighting of an already discovered land gave rise to no claim on the part of the nation responsible for it.

But an American claim did arise in 1881. Two ships of the American navy were in search of the "lost" expedition of De Long. The *Corwin* landed on Wrangel Island the summer of 1881 but her men remained ashore only a few hours. The *Rodgers* also made a landing there and her men remained on or near the island for several weeks. They made the chart of the island which is still in use and confirmed in that way the name of Wrangel.

On the same principle according to which the British claim of 1849 lapsed in 1854, this American claim of 1881 lapsed in 1886.

¹⁴⁴ For correct information on the history of Wrangel Island, see: *Pour obtenir des renseignements exacts sur l'histoire de l'île Wrangel, voir doc. 221, footnotes: notes en bas de page.*

¹⁴⁵ The supposed time limit of five years was fabricated by Stefansson to suit his purposes. La soi-disant limite de cinq ans fut inventée par Stefansson pour satisfaire ses objectifs.

From this time no one landed on Wrangel Island until the Canadian Government ship Karluk of the Canadian Arctic Expedition was wrecked near Wrangel Island in January, 1914. The men from the wrecked ship landed in Wrangel Island in February and remained there until September, 1914. On the first of July they raised the British flag and formally reasserted British rights over the island.¹⁴⁶

Referring again to the same principle of international law, this reaffirmation of title on behalf of the British had a validity only up to September, 1919.

I now presented to the Canadian Government (Mr. Meighen, Sir James Lougheed, etc.) the need of taking action to continue British sovereignty. For highly complicated reasons, which it would take too much space to explain, Mr. Meighen at length decided that there was no hurry about following up this claim and that the Government, for reasons of economy, could not send an expedition there.

I next appealed to the Hudson's Bay Company, for it is a well-known principle of international law that the actions of citizens have the same validity towards the confirming of national sovereignty as actions by the Government itself. I explained to the Hudson's Bay Company's officers at Winnipeg that it would pay the Company to establish a fur station in Wrangel Island. I gave financial profit as sufficient reason for them to do this but urged also the patriotic motive of continuing sovereignty in a land which was soon destined to become of considerable importance and which might at any moment be occupied by the Japanese, the Russians, or by any other nationality. While favorably inclined, the Winnipeg officers wanted to postpone action until the summer 1922. It appeared to me likely that the nationals of some other country would occupy the island before that time, as they were free to do seeing our claim had lapsed. I, therefore, appealed to the head office of the Hudson's Bay Company in England, whereupon they issued orders to the Winnipeg office to land a party of the Company's men on Wrangel Island the summer 1921. The Winnipeg office now notified me that the Lady Kindersley, the chief northern ship of the Hudson's Bay Company in the Pacific, would receive orders to land a post on Wrangel Island but that she would do this only upon her return voyage from the mouth of the Mackenzie River.

This plan of the Hudson's Bay Company involved so many uncertainties that it seemed to me likely enough the Lady Kindersley would fail to make a landing on Wrangel Island the summer 1921. Thinking there was no time to be lost and desiring to have two strings to our bow, I decided to make independently an attempt to land on Wrangel Island. I took into my confidence only one man, Mr. A.J. Taylor, a mining engineer of Vancouver. Mr. Taylor volunteered to give me free office space in his offices and to have his attorney secure articles of incorporation for a British company which would handle the Wrangel Island matter. There was, accordingly, incorporated the Stefansson Arctic Exploration and Development Company, Limited, and guarded announcements were made intended to be interpreted by the public as meaning that the purpose of the company was mainly commercial, where in fact my main motive was political and the subsidiary motive scientific.¹⁴⁷

¹⁴⁶ That the flag-raising was intended as a reaffirmation of British rights was denied by both Robert Bartlett and William Laird McKinlay. Tant Robert Bartlett que William Laird McKinlay ont nie que la levée du drapeau visait à réaffirmer les droits britanniques.

See the statements by Bartlett. Voir les déclarations de Bartlett, 22 March 1925, LAC-BAC, RG 42, vol. 463, file-dossier 84-2-1, and by et de McKinlay, 15 June 1922, LAC-BAC, MG 30 B-40, vol 10, file-dossier 26.

¹⁴⁷ For Stefansson's explanation of these actions to the Hudson's Bay Company, see: En ce qui concerne l'explication donnée par Stefansson au sujet de ces agissements à la Compagnie de la Baie d'Hudson, voir Stefansson to Edward Fitzgerald, 10 March 1922, SC, MSS 98, box 9, folder 8.

I had in various places members of my former expeditions who were eager to go South again. Unfortunately, no man suitable to my purpose was a British subject except Mr. Wilkins and he had just agreed to go South with Shackleton. I therefore selected a very fine although inexperienced young man, Mr. Allan Crawford, the son of Professor Crawford of Toronto University, to be in charge of the party. His three subordinates are Americans, two of them men who had been with me in the North for several years, and one a young man who had been my secretary on one of my lecture tours. These men went by passenger steamer to Nome, Alaska, chartered the gasoline schooner *Silver Wave* and landed on Wrangel Island safely in September, 1921. They are living there now, doing what scientific work they can and trapping and hunting to make a living and if possible to secure furs to return to me a small part (perhaps one-fourth) of the necessary expenditures in this connection.

The expedition was conducted with such secrecy that no one knew at Nome that the ship was bound for Wrangel Island until they were just leaving, and even then the knowledge was so confidential that it was only after the ship returned, reporting the safe landing of the men on Wrangel, that definite attempts were made to organize other parties to go to Wrangel Island. I had, however, planned the sailing so late in the season that I did not expect anyone would dare to make an attempt later than ours. This calculation proved right, for parties which would otherwise have sailed for Wrangel Island were deterred by a fear of the oncoming freezeup.

While my party were outfitting and chartering the *Silver Wave* at Nome, there was great excitement about our enterprise but at that time it was thought we were following up some gold or oil discovery that I had made on my last expedition, presumably east of Point Barrow.

Although Mr. Crawford carried out most of my instructions admirably, he made one tactical blunder that is now having annoying results. Before the schooner *Silver Wave* left Wrangel Island, Crawford raised the British flag, and took possession of the island. I do not suppose this formal act strengthened our possession there in any way, but it had the unfortunate result of starting a great deal of talk at Nome. This crystallized into an extravagant news story, printed in the *Nome Nugget*. A few Alaskans then got the idea that by making out that the United States was really the logical owner of Wrangel Island rather than Great Britain, they could stir up some action at Washington that would be favorable to American commercial interests.

These ideas have now borne fruit as follows:

One or more men have been to the State Department at Washington, have explained what we did in Wrangel Island, and are trying to get the American Government to take some action by which Wrangel Island shall become American. Under international law there can be no foundation for this action and the United States can have no claim to the island unless we renounce our ownership in their favor.

This Nome story and the idea that Wrangel Island might have been American territory but for my action have now got into the hands of the *New York Times* and they insist on printing the story.⁴⁸ The best I have been able to do is to get them to postpone publication

⁴⁸ John Burnham, an Alaskan businessman, had indeed made representations to the State Department, which did not seem particularly interested in the matter. However, it was Stefánsson who raised the idea of publication in the press. There is no evidence in Stefánsson's papers to substantiate the idea that the *Limes* placed pressure on him. John Burnham, un homme d'affaires de l'Alaska, n'avait réellement fait des représentations au département d'État américain qui ne semblaient pas particulièrement intéressé par le sujet. Cependant, ce fut Stefánsson qui souleva l'idée de la

until I can acquaint you with the facts so that the disclosure may not catch you unawares and so that you may have time to consider what attitude to take. This the Times does through my fortunate personal friendship with Mr. Van Anda, its managing editor. It is also fortunate for British-American relations that the Times will publish the story rather than, for instance, the Hearst papers, for the Times will make it clear that, in so far as I had any nation in mind in my efforts to continue British sovereignty of Wrangel Island, I had in mind forestalling the Japanese, and that the thought of Americans wanting the island did not enter into my plans. The Hearst papers would be likely to try to make out of this an anti-American act on the part of the British, a thing we consider will be forestalled by the manner of the publication of the story by the Times.¹⁴⁹

My idea of the great urgency for our action in Wrangel Island arose from my knowledge that the Japanese are a very enterprising and highly original people, and are as likely as any nation to foresee early the coming importance of the polar islands. Furthermore, I had private knowledge from explorer friends of mine, in addition to what I had gained from the newspapers, to the effect that the Japanese are rapidly spreading north through eastern Siberia, more rapidly and extensively than the present despatches indicate. This made it to my mind certain that within a year or so they would quietly move into this no-man's land of which they could get possession without entering into any conflict as to sovereignty with any nation.

I take it for certain that had the Japanese moved in to Wrangel Island and had we then protested, an international court certainly would have awarded the island to the Japanese in view of the fact that our claims had lapsed and we had shown no definite intention of confirming our rights by continuous occupation.

I have spent on this enterprise all the money I had saved up (about \$15,000.) and have borrowed \$5,000. from personal friends. Through this small expenditure I have secured to the British Empire its possession of this valuable outpost. I do not know anything I could have done with this money that would have pleased me more than what I have done, and I am, therefore, not making now any claim even for a refund of this money. But I would like to urge most strongly that the Government, through its utterances and actions (for I believe that all we now need is a statement of policy and no further immediate action or expense), should back up what I have done and thus not relinquish our clear rights. The next ten years will convince all men of the great value of every polar island. But even if it were fifty years rather than ten, it is still our duty to look ahead and safeguard our interests. Should it eventually prove that we do not care for holdings in the polar ocean, it is always easy to surrender them or to trade them for advantages elsewhere.

If the Canadian Government needs evidence that the other nations are awakening to the value of the northern lands, I would call your attention to the map just issued by the Intelligence Division of the United States Army, which shows in colors that the northern boundary of Canada is at Lancaster Sound and Barrow Strait, and that the islands to the north of that do not belong to Canada. You will at once see this is true, for we have done nothing to explore or occupy several of these islands, while even the ones discovered by my expedition are ours only by discovery right. I left those islands in June, 1917, and our

publication dans la presse. Aucun élément dans les documents de Stefánsson ne confirme l'idée que le *Times* exerça des pressions sur lui.

See/ Voir Burnham to D.C. Poole, 9 March 1922, NACP, RG 59, Microcopy 316, roll 77, file 861.0144/3.

¹⁴⁹ "Stefánsson Claims Wrangell Island for Great Britain," *New York Times*, 20 March 1922, p. 1.

discovery claim to them will, accordingly, lapse in June, 1922. That will be the last of any claim we have to any land north of Barrow Strait, at least by the ordinary interpretation of International law.

V. Stefansson

Honorable W.L. Mackenzie King,
Prime Minister of Canada,
Ottawa, Ontario.

272.

Letter from Vilhjalmur Stefansson to Minister of the Interior
Lettre de Vilhjalmur Stefansson au ministre de l'Intérieur
LAC/BAC, RG 85, vol. 584, file/dossier 571

New York, May 3, 1922

Sir:

The Prime Minister brought up at our conference yesterday — the point that if we deny that the proximity of Russian territory gives the Russians a claim to Wrangel Island, we might be erecting a principle injurious to ourselves.

I want to point out that, so far as arctic territories are concerned, the opposite is the case. If we once admit that Russia gets a claim to Wrangel Island by being one hundred miles away, we will thereby admit that Denmark gets a claim on Ellesmere Island by [Greenland] being less than twenty miles away. The arctic policy of Canada (with regard to the islands north of Lancaster Sound) demands that we do not admit that any Russian claim to Wrangel Island can arise out of nearness to Siberia.

[Vilhjalmur Stefansson]

Honourable C. Stewart,
Minister of the Interior,
Ottawa, Ontario.

273.

Letter from Vilhjalmur Stefansson to Minister of the Interior
Lettre de Vilhjalmur Stefansson au ministre de l'Intérieur
LAC/BAC, RG 85, vol. 584, file/dossier 571

New York, May 3, 1922

Sir:

I want to urge the importance of an understanding being quickly arrived at between the Canadian and the British Governments as to which of them has jurisdiction over Wrangel

¹⁵⁰ On 2 May 1922 Stefansson met first with Prime Minister King and Minister Stewart and then separately with Oswald Finnie.

Le 2 mai 1922, Stefansson rencontra d'abord le premier ministre King et le ministre Stewart et ensuite, séparément, Oswald Finnie.

Island. The urgency lies in the fact that I have been told at Washington that some sort of protest will be made by the American State Department — presumably to Great Britain.¹⁵¹

V. Stefansson

Honourable C. Stewart,
Minister of the Interior,
Ottawa, Ontario.

274.

Memorandum from Director, Northwest Territories Branch, to Commissioner of the Northwest Territories

Note du directeur, Secteur des Territoires du Nord-Ouest, au commissaire des Territoires du Nord-Ouest

LAC/BAC, RG 85, vol. 1124, file/ dossier 1005-5-1

Ottawa, 3rd May, 1922.

Memorandum:

W.W. Cory, Esq., C.M.G.,
Commissioner, Northwest Territories.

At your request Mr. Stefansson called on me yesterday with respect to securing a lease of Wrangel Island. Mr. Stefansson advises me that this Island is approximately 80 miles long by 30 miles wide, and uninhabited. This is the Island which his party took possession of last September, in the name of the British Crown.

Mr. Stefansson says he expended \$17,000 in this expedition and since it was taken in the name of the British Crown he thinks he should be compensated for this expenditure. He wants either a return of his \$17,000 or a lease giving him the exclusive rights for hunting, trapping and grazing on the Island. He tells me the Minister would not consider the return of the \$17,000 and, therefore, he applies for the lease referred to. He was not prepared to state definitely on what terms the lease should be issued but thought for a period of years it should be free of charge, and for a further term of years a nominal rental, perhaps the same as was charged in the case of the lease on Baffin Island.¹⁵²

¹⁵¹ The US government had no intention at this point of making a formal protest. The State Department file on the subject shows only a moderate level of interest in the matter. Not until September 1922 was the Embassy in London instructed to make inquiries at the Foreign Office. The US position, as then stated to the Ambassador, was that it wished to reserve any rights it might have through the flag-raising of 1881 and that it was ready to discuss the status of the island with the British authorities.

Le gouvernement américain n'avait aucune intention à ce point de présenter une protestation officielle. Le dossier du département d'État sur le sujet montre uniquement un niveau modéré d'intérêt à cet égard. Ce n'est pas avant septembre 1922 que l'ambassade à Londres reçut instruction de soulever la question auprès du Foreign Office. La position américaine, telle qu'énoncée à l'ambassadeur, était que le gouvernement américain souhaitait se réserver tous les droits qu'il pourrait avoir par le biais de la levée du drapeau de 1881 et qu'il était prêt à discuter du statut de l'île avec les autorités britanniques.

See/ Voir William Phillips to George Harvey, 12 September 1922, NACP, RG 59, Microcopy 316, roll 77, file 861.0144/13.

¹⁵² See/ Voir doc. 230.

He did not have sufficient time to discuss the matter fully as he was leaving for New York on the afternoon train, but he undertook to write me from New York, giving details of the conditions [under which he thought] such a lease should be issued.

In the meantime I wish to report to you what had taken place and to ask if our Government, or the Government of Great Britain claim or acknowledge a proprietary interest in this Island because of the Stefansson Expedition.

O.S. Finnie

275.

**Memorandum from Advisory Engineer, Northwest Territories Branch, to
Commissioner of Northwest Territories**

**Note de l'ingénieur conseil. Secteur des Territoires du Nord-Ouest, au commissaire
des Territoires du Nord-Ouest**

LAC/ BAC, RG 85, vol. 601, file/ dossier 2502

Ottawa, 10th May, 1922.

Memorandum:—

W.W. Cory, Esq., C.M.G.,
Commissioner, Northwest Territories.

As a result of yesterday's meeting with the Minister in his office, there being present in addition to the Minister and yourself the Hon. Mr. Lapointe and Messrs. Letourneau and Parent, Members of Parliament, Capt. Bernier, Mr. Harkin, Mr. Finnie and the undersigned, it is assumed that:—

- (1) The application of the Arctic Exchange and Publishing, Limited, for certain privileges in the Northern Archipelago,¹⁵³ is refused.
- (2) An expedition is to be sent North on the C.G.S. "Arctic" somewhat as planned for 1921.
- (3) Capt. Bernier is to be in command of the ship.
- (4) An officer of the Department of the Interior is to be in command of the expedition.
- (5) The C.G.S. "Arctic" is to transport the Police personnel, and supplies for the posts to be established.

It would appear that formal action is necessary as follows:—

- (1) Formal notice should be sent to the Company regarding their application.
- (2) Instructions should be received by this Branch to go ahead with preparations for the expedition.
- (3) Instructions should be issued to the Royal Canadian Mounted Police through their Minister regarding their share in the preparations.
- (4) The appointment of Captain Bernier to the command of the ship.

¹⁵³ Stefansson to Finnie, 3 May 1922, also in file/ aussi au dossier 1005-5-1.

¹⁵⁴ See doc. 270, footnote. Along with Stefansson's Wrangle Island proposal, the persistence of Bernier and his associates in pushing their plan for a trading and sovereignty operation was evidently useful to Craig, Finnie, and Harkin as a way to bring the need for occupation to Minister Stewart's attention.

Voir doc. 270, note en bas de page. Avec la proposition de Stefansson pour l'île Wrangle, l'obstination avec laquelle Bernier et ses associés s'employaient à promouvoir leur plan à l'égard d'une opération commerciale susceptible de contribuer à assurer la souveraineté fut manifestement utile à Craig, Finnie et Harkin en vue de porter la nécessité de l'occupation du territoire à l'attention du ministre Stewart.

(5) The appointment of an officer of this Department to the command of the expedition.¹⁵⁵

(6) A decision as to what technical personnel, if any, is to accompany the ship.

(7) A decision, after consultation with the Royal Canadian Mounted Police, as to how many posts are to be established.¹⁵⁶

Prompt action along these lines is necessary because:

(1) Although Captain Pickels estimated that the outfitting of the C.G.S. "Aretic" could be completed by him in about three weeks, it is only reasonable to suppose that Captain Bernier, being unacquainted with the details, will almost certainly require a longer period.

(2) Col. Starnes, interviewed informally this morning, states that if funds are made available he can probably be prepared as soon as the ship is ready as far as personnel and supplies are concerned, with the exception of the buildings.

Some scheme will have to be evolved to get rapid action from the Department of Public Works in this regard.

He states that the choice of personnel will be more limited this year on account of the shortness of the notice, also that he will be glad to avail himself of the opportunity of using the "Aretic" to send North the relief for Sergt. Joy who is now at Pond's Inlet.¹⁵⁷

(3) It will take some time to get tenders moving again for provisions and coal for the "Aretic", and presumably to select and hire an efficient and capable crew.

J.D. Craig,
Advisory Engineer.

276.

**Memorandum from Advisory Engineer to Director, Northwest Territories Branch,
Department of the Interior**

**Note de l'ingénieur conseil au directeur, Secteur des Territoires du Nord-Ouest,
ministère de l'Intérieur**

LAC/BAC, RG 85, vol. 1124, file/ dossier 1005-5-1

Ottawa, 10th May, 1922.

Memorandum:—

Mr. Finnie, Director.

I have read over the material [...] with reference to Mr. Stefansson's application for a lease of Wrangell Island, and consider, if it is decided to assume sovereignty over the island, either independently or for Great Britain, that the terms of lease, as suggested in his letter to you under date of the 3rd instant, are reasonable, under the circumstances.

The important point, however, seems to me to be the responsibilities involved in issuing the lease. Is Canada prepared to stand behind the implied assumption of sovereignty? Does Canada realize that this assumption may result in acts of retaliation by some other nation regarding some of the vastly more important islands of the Northern Archipelago?

¹⁵⁵ Craig received the appointment./ Craig reçut la nomination.

¹⁵⁶ The establishment of two posts on Ellesmere Island and one on Bylot Island was authorized by Order-in-Council 1922-1311, approved on 29 June 1922. This plan was subsequently changed. La création de deux postes sur l'île d'Ellesmere et d'un sur l'île Bylot fut autorisée par le décret du Conseil 1922-1311, approuvé le 29 juin 1922. Ce plan fut modifié par la suite. See/ Voir LAC/ BAC, RG 2, vol. 1307 and/ et docs 281, 290.

¹⁵⁷ See/ Voir doc. 262.

For instance, the United States might equip an expedition and officially attempt to take possession of Ellesmere Island, probably the most important of the many islands, the maintenance of sovereignty over which is the principal object of the proposed Canadian expedition this year. If Canada can go a thousand miles outside her boundary and claim Wrangell Island, the United States can apparently, with equally strong justification, go and claim one or more of our Northern islands. It would appear to be a rather risky proceeding, and might conceivably lead to serious international complications.

There is apparently no doubt regarding the legality, under international law, of the raising of the flag by Stefánsson's party last September. Even if the officer who raised the flag was not at that time an accredited officer of the Canadian Government, international law provides that the act may be made effective by a later acknowledgment of the action as official, followed up, of course, by effective occupation and administration. It is presumed that the issuing of a lease would sufficiently comply with this latter condition.

To my mind, however, the details of the lease are a minor consideration. I do not think there should be any action taken to this end or toward acknowledging the flag raising as official, without a full investigation as to the possible consequences, and if we are not prepared to stand behind the act in every way, we should ignore it. The island is practically one thousand miles from any point in Canada, and it might be advisable to consult the Imperial Government before taking any decisive steps.¹⁵⁸

J.D. Craig,
Advisory Engineer.

277.

Despatch from Secretary of State for the Colonies to Governor General
Dépêche du secrétaire d'État aux Colonies au gouverneur général
LAC/BAC, RG 7 G-21, vol. 412, file/dossier 10045

Downing Street,
3rd June, 1922.

No. 285

My Lord,

With reference to my telegram[†] of the 2nd June, I have the honour to transmit to Your Excellency, to be laid before your Ministers, a copy of the note received by the Foreign

¹⁵⁸ On 12 May 1922, Prime Minister King stated in the House of Commons that Wrangell Island "is part of the property of this country." See Canada, *House of Commons Debates*, 14th Parliament, 1st session, vol. 152, p. 1751. However, it is evident that the statement did not have the support of all or perhaps even most Ministers, since the question of sovereignty continued to be debated in Council meetings during June and July. Both Minister Stewart and the Under-Secretary of State for External Affairs, Sir Joseph Pope, were strongly opposed to any claim. There was no final decision until 1924; see doc. 325.

Le 12 mai 1922, le premier ministre King déclara à la Chambre des communes que l'île Wrangell « fait partie du territoire canadien ». Voir Canada, *Chambre des communes. Débats*, 14^e législature, 1^{re} session, vol. 152, p. 1769. Il est cependant évident que la déclaration n'eut pas l'appui de tous ou peut-être même de la plupart des ministres, puisque la question de la souveraineté continua d'être débattue au cours des réunions du Conseil de juin et de juillet. Le ministre Stewart et le sous-secrétaire d'État aux Affaires extérieures, sir Joseph Pope, étaient fortement opposés à toute revendication. Il n'y eut aucune décision finale avant 1924; voir doc. 325.

Office from the Russian Soviet Government Agent in the United Kingdom on the subject of Wrangel Island.

I have the honour to be,
My Lord,
Your Lordship's most obedient
humble servant,

Winston S. Churchill

Governor General His Excellency General the Right Honourable
Lord Byng of Vimy, G.C.B., G.C.M.G., M.V.O.,
&c., &c., &c.

Enclosure: Note from Deputy Head, Trade Mission of Russian Soviet Federated Socialist Republic in United Kingdom, to Secretary of State for Foreign Affairs
Pièce jointe : Note du chef de mission adjoint, mission commerciale de la République socialiste fédérative soviétique de Russie au Royaume-Uni, au secrétaire d'État aux Affaires étrangères

Copy/ Copie

NK/9312.

[London,] 24th May, 1922.

Mr Klishko, Assistant Official Agent of the Russian Soviet Government in Great Britain presents his compliments to the Marquess Curzon of Kedleston and begs to draw his attention to the numerous statements published in the English press on and about March 22nd, 1922, on Wrangel Island.

Mr. Klishko is instructed by his Government to inform the British Government that, during the expedition to North East Siberia, 1821-1824, Wrangel Island was discovered by the Russian Naval Officer, F. Wrangel.¹⁵⁹

When the Hydrographical Expedition, 1910-1915 was sent out by the Russian Admiralty under the leadership of W.A. Wilkitsky, the Russian flag was hoisted.¹⁶⁰

Mr. Klishko would point out that there has never been any question as to Wrangel Island being a Russian possession, and he would therefore be glad if the Marquess Curzon of Kedleston could inform him as to the authenticity of the statements published by the press that the British flag was hoisted on Wrangel Island by Mr. Stefansson.

¹⁵⁹ For correct information on the history of Wrangel Island, see 'Pour obtenir des renseignements exacts sur l'histoire de l'île Wrangel, voir docs 221, 271, footnotes/ notes en bas de page.

¹⁶⁰ Wilkitsky (or Vilkitsky) had in fact made a landing in 1911. In a telegram to Minister Stewart, Stefansson correctly pointed out that Wrangel had not discovered the island, but also insisted that the story of a landing by Vilkitsky was a lie fabricated by the Soviets.

Wilkitsky (ou Vilkitsky) y avait en fait débarqué en 1911. Dans un télégramme au ministre Stewart, Stefansson souligna avec justesse que Wrangel n'avait pas découvert l'île, mais il tint aussi à faire savoir que l'histoire du débarquement de Vilkitsky était un mensonge fabriqué par les Soviétiques.

See: Voir Stefansson to Stewart, 22 June 1922, LAC BAC, RG 85, vol. 1124, file dossier 1005-5-1

Should such statements prove to be authentic, the Russian Soviet Government would then wish to be informed whether such actions took place with the complicity and sanction of the British Government and whether or no the British Government considers Wrangel Island to be a British possession.

[Nikolai Klishko]

The Marquess Curzon of Kedleston, K.C., G.C.S.I., G.C.I.E.,
etc. etc. etc.
Foreign Office, Whitehall, S.W.1.

278.

Memorandum from Director, Northwest Territories Branch, Department of the Interior, to Legal Officer, Department of the Interior
Note du directeur, Secteur des Territoires du Nord-Ouest, ministère de l'Intérieur, à l'officier juridique, ministère de l'Intérieur
LAC/BAC, RG 85, vol. 1124, file/ dossier 1005-5-1

Ottawa, 9th June, 1922.

Memorandum:—

Mr. T.L. Cory.¹⁶¹

You will observe in the Deputy Minister's memorandum^{*} dated the 5th instant, hereunder, [that] I am requested to prepare a full report in connection with the Wrangel Island matter for the Minister's information in Council.

I have given this matter considerable study for the last two or three days and attached is my report[†] just completed.

My opinion of this matter is that while the British claim seems to be a legitimate one and probably better than that of the United States or Russia, yet there might be some hesitation in accepting the sovereignty of the Island. The reason is set out in the memorandum.

I wish you would go into this matter more fully and take it up with Mr. Christie or whoever you think necessary and let me have the benefit of your opinion.

O.S. Finnie

¹⁶¹ In several documents from 1922, T.L. Cory is referred to as the Legal Adviser, Northwest Territories Branch. However, this was never a formal position, and indeed Cory was not even a permanent government employee at this time. From 1920 until 1928 he held short-term appointments at the Department of Justice and the Department of the Interior.

Dans plusieurs documents de 1922, on indique que T.L. Cory est le conseiller juridique du Secteur des Territoires du Nord-Ouest. Cependant, ce ne fut jamais un poste officiel et, en fait, Cory n'était même pas un employé permanent du gouvernement à cette période. De 1920 jusqu'en 1928, il detint des postes de courte durée au ministère de la Justice et au ministère de l'Intérieur.

279.

Memorandum from Legal Officer, Department of the Interior, to Commissioner of Northwest Territories

Mémoire d'officier juridique, ministère de l'Intérieur, au commissaire des Territoires du Nord-Ouest

LAC/ BAC, RG 85, vol. 1124, file/ dossier 1005-5-1

Ottawa, 15th June, 1922.

Memorandum:-

W.W. Cory, Esq., C.M.G.,
Commissioner N.W.T.

RE WRANGEL ISLAND

A careful review of the clippings and documents hereunder¹⁶² disclose three possible claims to Wrangel Island, uninhabited, situate in the Arctic Ocean about 110 miles Northeast of Siberia, approximately in latitude 71° N, Longitude 180°. The claims are:

1. Russia,
2. United States of America,
3. Canada (British)

1. The Russian claim is based on the fact that the island is situate about 110 miles Northeast of Siberia and immediately to the North of their country. Russia claims that the island was discovered by Admiral (then Lieutenant) Wrangel, in 1823, but there is no verification of this and the papers show that Wrangel never reached the island nor did he even sight it.

It appears from that time Russia did nothing to establish a claim to the island even after it was definitely discovered and placed on the map until 1910-1915 which action is set out in the following note from the Russian Soviet Government Agent in the United Kingdom to the Foreign Office.

"Note states that island was discovered by Russian Naval Officer F. Wrangel during expedition to North Eastern Siberia, 1821 to 1824, that Russian flag was hoisted when Hydrographical Expedition, 1910 to 1915 was sent out by Russian Admiralty under leadership of W.A. Wilkitsky and that there has never been any question as to the island being Russian possession."¹⁶³

Outside of the above note there is no evidence that any Russian has ever landed on the island. Russia appears to have been content to assume that the island was hers from its position as regards the Russian Empire and that other countries would respect this geographical claim.

2. The claim of the United States is based upon discovery in 1881, when parties from the U.S.S. "Corwin" and "Rogers", who were searching for traces of the lost "Jeannette", explored the island and found Wrangel to be an island and not an arctic continent as hitherto supposed.

The parties from both United States ships raised the American flag and took the island in the name of the United States Republic and after about two weeks sojourn on the island

¹⁶² See/ Voir file/ dossier 1005-5-1.

¹⁶³ This passage repeats the paraphrase of the Soviet note contained in a telegram from the Colonial Office, 2 June 1922./ Ce passage répète la paraphrase de la note diplomatique soviétique contenue dans un télégramme du ministère des Colonies, 2 juin 1922. See/ Voir LAC/ BAC, RG 7 G-21, vol. 412, file/ dossier 10045.

sailed away. Upon return to the United States the Commanders reported their action to the United States Government but no further action was taken.

3. A resume of the British interest in Wrangel Island is as follows:—

Wrangel Island was first sighted in 1849 by Captain Kellett of H.M.S. "Herald" from Herald Island, when he discovered that island and landed on it. Wrangel was subsequently known as Kellett Land for some time.

The next time the island was visited by Britishers was in March, 1914, when the survivors of Stefansson's Canadian Arctic Expedition landed on the island, after their ship, the "Karluk", had been crushed in the ice, North of the island. The main portion of this party remained on the island from the 18th March to the 7th September. They hoisted the British flag and claimed possession.¹⁶⁴

The present question as to which nation has the best claim to Wrangel Island has arisen owing to a party sent out by one V. Stefansson, British Subject, Explorer, having taken possession of the island in September, 1921, and who are at the present moment in occupation, living there under the British flag.

As to the legality of such an act and the law on the international point of discovery and occupation of new territory, W. I. Hall, one of the outstanding English authorities on this subject, in his book on International Law, sixth edition, page 102 et seq., states as follows:—

"In the early days of European exploration it was held, or at least every state maintained with respect to territories discovered by itself, that the discovery of previously unknown land conferred an absolute title to it upon the state by whose agents the discovery was made. But it has now been long settled that the bare fact of discovery is an insufficient ground of proprietary right. It is only so far useful that it gives additional value to acts in themselves doubtful or inadequate. Thus when an unoccupied country is formally annexed an inchoate title is acquired, whether it has or has not been discovered by the state annexing it; but when the formal act of taking possession is not shortly succeeded by further acts of ownership, the claim of a discoverer to exclude other states is looked upon with more respect than that of a mere appropriator, and when discovery has been made by persons competent to act as agents of a state for the purpose of annexation, it will be presumed that they have used their powers, so that in an indirect manner discovery may be alone enough to set up an inchoate title.

An inchoate title acts as a temporary bar to occupation by another state, but it must either be converted into a definite title within reasonable time by planting settlements or military posts, or it must at least be kept alive by repeated local acts showing an intention of continual claim. What acts are sufficient for the latter purpose, and what constitutes a reasonable time, it would be idle to attempt to determine. The effect of acts and of the lapse of time must be judged by the light of the circumstances of each case as a whole. It can only be said, in a broad way, that when territory has been duly annexed and the fact has either been published or has been recorded by monuments or inscriptions on the spot, a good title has always been held to have been acquired as against a state making settlements within such time as, allowing for accidental circumstances or moderate negligence, might elapse before a force or a colony were sent out to some part of the land intended to be occupied, but that in the course of a few

¹⁶⁴ For correct information on the history of Wrangel Island, see: Pour obtenir des renseignements exacts sur l'histoire de l'île Wrangel, voir docs 22, 27, footnotes: notes en bas de page.

¹⁶⁵ William Edward Hall, *A Treatise on International Law*, 6th edn, ed. J.B. Acland (Oxford: Clarendon, 1909).

years the presumption of permanent intention afforded by such acts has died away, if they stood alone, and that more continuous acts or actual settlement by another power became a stronger root of title. On the other hand, when discovery, coupled with the public assertion of ownership, has been followed up from time to time by further exploration or by temporary lodgments in the country, the existence of a continued interest in it is evident, and the extinction of a proprietary claim may be prevented over a long space of time, unless more definite acts of appropriation by another state are [e]ffected without protest or opposition.

In order that occupation shall be legally effected it is necessary, either that the persons appropriating territory shall be furnished with a general or specific authority to take possession of unappropriated lands on behalf of the state, or else that the occupation shall subsequently be ratified by the state. In the latter case it would seem that something more than the mere act of taking possession must be done in the first instance by the unauthorized occupants. If, for example, colonists establishing themselves in an unappropriated country declare it to belong to the state of which they are members, a simple adoption of their act by the state is enough to complete its title, because by such adoption the fact of possession and the assertion of intention to possess, upon which the right of property by occupation is grounded, are brought fully together. But if an uncommissioned navigator takes possession of lands in the name of his sovereign, and then sails away without forming a settlement, the fact of possession has ceased, and a confirmation of his act only amounts to a bare assertion of intention to possess, which, being neither declared upon the spot nor supported by local acts, is of no legal value. A declaration by a commissioned officer that he takes possession of territory for his state is a state act which shows at least a momentary conjunction of fact and intention; where land is occupied by unauthorized colonists, ratification, as has been seen, is able permanently to unite the two; but the act of the uncommissioned navigator is not a state act at the moment of performance, and not being permanent in its local effects it cannot be made one afterwards, so that the two conditions of the existence of property by occupation, the presence of both of which is necessary in some degree, can never co-exist".

reference - On the conditions of effective occupation, see Vattel, liv. i. ch. XVIII. Par. 207, 208; De Martens, *Precis* par. 37; Phillimore, l. cxxxv[i]-v[iii]; Twiss l. par. 111, 114, 120.¹⁶⁶

Mr. Hall further states;—

"A settlement is entitled, not only to the lands actually inhabited or brought under its immediate control, but to all those which may be needed for its security, and to the territory which may fairly be considered to be attendant upon them. When an island of moderate size is in question it is not difficult to see that this rule involves the attribution of property over the whole to a state taking possession of any one part."

Applying the exposition of International law of the above cited authority to the United States claim the following statement appears to be in point:—

"But if an uncommissioned navigator

(and the Commander of the U.S.S. "Corwin" and "Rogers" were sent out to find the lost "Jeannette", not to claim Wrangel Island — Page 6, Report of the Secretary of the Navy, 1881, Arctic Expeditions — The Jeannette, The Rodgers, and the Alliance. The act making appropriations for sundry civil expenses of the Government approved March 3, 1881, contained the following clause:

¹⁶⁶ These references are copied from 'Ces références sont reproduites à partir de Hall, *Treatise*, p. 104

"To enable the Secretary of the Navy to immediately charter or purchase, equip and supply a vessel for the prosecution of a search for the steamer, *Kamatic*, of the Arctic exploring expedition (which the Secretary of the Navy is hereby authorized to undertake) and such other vessels as may be found to need assistance during said cruise, one hundred and seventy five thousand dollars. Provided, That said vessel shall be wholly manned by volunteers from the Navy.")

takes possession of lands in the name of his sovereign, and then sails away without forming a settlement, the fact of possession has ceased, and a confirmation of his act only amounts to a bare assertion of intention to possess, which, being neither declared upon the spot nor supported by local acts, is of no legal value".

The act, upon which the United States base their claim was performed in 1881, and since that time no further act has been performed showing an intention to possess Wrangel Island and as the authorities claim the bare fact of discovery is an insufficient ground of proprietary right. I am of the opinion that the claim of the United States is a very weak one and one that should not be recognized.

Canada's claim with reference to the above quoted authority appears to be in accordance with International Law and if the action taken by the Canadian Government be a ratification of Stefansson's act the following principle applies:-

"If, for example, colonists establishing themselves in an unappropriated country, declare it to belong to the state of which they are members, a simple adoption of their act by the state is enough to complete its title, because by [such] adoption the fact of possession and assertion of intention to possess, upon [which] the right of property by occupation is grounded, are brought fully together."¹⁶⁷

This would give Canada the best legal claim to Wrangel Island.

The question now is "Does Canada intend to insist upon her legal claim against the moral and geographical claim of Russia?" This is a matter wholly for the consideration of the Canadian Government and a matter of diplomacy. The fact must not be lost sight of, however, that Canada claims a vast number of islands in the Arctic directly to the North of her which are as yet unoccupied and unprotected against the occupation of foreign countries. Unless the Canadian Government is prepared to occupy and protect the islands claimed, directly to the North, at the same time or before the claim to Wrangel is insisted upon, I think it would be a very unwise move to reach out practically into the Eastern Hemisphere and claim an island that bears Geographically the same relation to Russia as our Northern islands bear to Canada.

The question arises, is it worth while to press our claim to Wrangel Island and if we do, what advantage would Wrangel Island be to Canada or the Empire if our claim be upheld?

Wrangel Island is situate about 110 miles from North Eastern Siberia, the wealthiest fur bearing country in the world and the possession of the island might enable the occupants to readily trade with Siberia and gain a large part of the fur trade that has hitherto been monopolized by the Americans from Alaska and the Japanese. If our claim be insisted upon this fact will of course, raise great resentment in the United States. The people of Alaska who would be the ones most affected are I believe raising every point possible to prevent Canada from asserting her claim to Wrangel Island. They are bringing pressure to bear at Washington and the result is that the U.S.S. "Bear" is being or has been sent to Wrangel

¹⁶⁷ Hall, *Treatise*, p. 104.

Island to investigate.¹⁶⁸ Further, it is possible for the United States to rush a party into the Arctic and settle some of our Northern Islands in retaliation before the Steamer "Arctic" can establish the proposed posts, this summer.

It has been claimed that Wrangel Island will be of great value to the Empire as an Air Station in flying from Europe over the North Pole to Asia and also as a strategic base in event of war with any of the Eastern powers particularly Russia.¹⁶⁹ This advantage must be discounted from the fact that Wrangel Island is ice bound most of the year and if at all can only be useful in this way if, in the course of time, the axis of the earth shifts and the Northern climate becomes much milder.

As to the mineral wealth, there is the possibility that minerals may abound but the island is so far away from civilization that it will be almost impossible to work them. The whole proposition appears to have been brought forward by Stefansson for his own commercial benefit and he is now pressing for a lease of the island from the Government of Canada or a return of \$17,000. that he claims he has invested in the venture. Once again I beg to impress upon you the importance of giving the question careful consideration from all angles as it seems to me that the Canadian Government should not prejudice her claim to the vast territory to the North and also her standing and good will with regard to the other powers interested for the sake of one man or group of men.¹⁷⁰

T.L. Cory

¹⁶⁸ Press stories had made claims to this effect, but it turned out that the *Bear* had not been ordered to go to Wrangel Island. Des articles de presse avaient fait des déclarations à cet effet, mais il s'avéra que le *Bear* n'avait pas reçu ordre de se rendre à l'île Wrangel.

See/ Voir R.L. Craigie to Byng, 2 June 1922, and/ et H.G. Chilton to Byng, 26, 29 June 1922, LAC/ BAC, RG 7 G-21, vol. 412, file/ dossier 10045.

¹⁶⁹ Marginal note:/ Note marginale :

See occasional paper No 30 (marked) re strategic value. [T.L. Cory]

This paper, by the War Staff, Department of the Naval Service, was dated 15 April 1921. There is a copy in file 1005-5-1./ Ce document, par l'état-major de guerre du ministère du Service naval, était daté du 15 avril 1921. Il en existe une copie au dossier 1005-5-1.

¹⁷⁰ Marginal note:/ Note marginale :

Council on Monday. [Author unknown/ Auteur inconnu]

On Monday 19 June, Minister Stewart took this memo with him to the Council meeting. Stefansson's cause was championed by J.H. King, the Minister of Public Works, who was a friend of Stefansson's associate Alfred Taylor. In early July the Cabinet, which had been unable to reach a decision, referred the matter to the Prime Minister for his personal consideration. In early August, when the need for a decision (at least with regard to Stefansson's request for government assistance with a relief expedition) became pressing, Prime Minister King requested the advice of Loring Christie. See correspondence between Taylor and King and between Taylor and Stefansson, SC, MSS 98, box 9, folder 8; Cory to King, 9 August 1922, also in file 1005-5-1; and doc. 283.

Le lundi 19 juin, le ministre Stewart apporta ce mémoire avec lui à la réunion du Conseil. La cause de Stefansson fut défendue par J.H. King, ministre des Travaux publics, qui était un ami de l'associé de Stefansson, Alfred Taylor. Au début juillet, le Conseil, qui avait été incapable de prendre une décision, reféra la question au premier ministre pour examen personnel. Au début août, lorsque le besoin d'une décision (du moins concernant la demande d'aide du gouvernement par Stefansson pour une expédition de secours) devint pressant, King demanda conseil à Loring Christie. Voir la correspondance entre Taylor et King et entre Taylor et Stefansson, SC, MSS 98, box 9, folder 8. Cory to King, 9 August 1922, aussi au dossier 1005-5-1; et doc. 283.

280.

Instructions from Commissioner of Northwest Territories to Officer in Charge of Eastern Arctic Patrol

Directives du commissaire des Territoires du Nord-Ouest à l'officier responsable de la patrouille de l'Arctique oriental

LAC/ BAC, RG 85, vol. 595, file/ dossier 758

Ottawa, 6th July, 1922.

Dear Mr. Craig,

I have to instruct you that you have been selected by the Honourable the Minister of the Interior to be the Officer in Charge and Commander of the expedition being sent to the Northern Archipelago this season. You will receive your Commission in due course.

You already know the purposes and intentions of the expedition and I am glad to know that good progress is being made with the refitting of the ship and with the loading of the stores and supplies.

You will proceed northward as rapidly as possible, making only such stops as are absolutely necessary, and will land the R.C.M.P. detachments and their supplies at the points selected, and will return to Quebec as promptly as possible, as it is extremely desirable, with a view to getting an earlier start next season, that the ship should winter at Quebec and not be frozen in in the North. To this end you are empowered to shorten the voyage, if necessary, even to the extent of possibly not establishing the most northerly post as far to the northward as at present seems desirable, unless you have reason to suspect that Canada's interests would suffer materially thereby.

In all cases of doubt as to the course to pursue, and particularly in the ice, you will consult with Captain Bernier and Inspector Wilcox, and in that manner arrive at a decision. Captain Bernier's advice should prove extremely valuable owing to his extensive experience in the North.

Captain Bernier will be held responsible for the navigation of the ship and will take your orders as to places to be visited and in other matters not connected with the navigation of the ship.

You will give every facility possible to Inspector Wilcox in the prosecution of his duties and will consult with him as to any change in the programme that may become necessary from unforeseen circumstances. The selection of the points at which the R.C.M.P. posts are to be established is to be made by Inspector Wilcox after consultation with Captain Bernier and yourself, and here too Captain Bernier's advice should be very valuable.

You will report progress at every opportunity, by mail or by wireless.

I enclose herewith, for your information, a copy of the instructions being sent today to Captain Bernier.

Yours very truly,

W.W. Cory
Commissioner.

J.D. Craig, Esq.,
Advisory Engineer, Northwest Territories Office,
Ottawa.

Enclosure: Instructions from Commissioner of Northwest Territories to Navigating Officer, CGS *Arctic*

Pièce jointe : Directives du commissaire des Territoires du Nord-Ouest à l'officier de navigation, CGS *Arctic*

Copy/ Copie

Ottawa, 6th July, 1922.

Dear Captain Bernier,

In further reference to your trip to the North this season as Captain of the C.G.S. "Arctic", you are already aware of the results we desire to secure.

To this end you are to sail from Quebec at the earliest possible date, and after calling at such points as may seem advisable, to secure for the R.C.M.P. such supplies peculiar to the North as they may have been unable to procure at Quebec before sailing, you should use every endeavour to land the different detachments and their supplies at their respective posts, and return to Quebec as early in the fall as possible.

You will be held responsible for the navigation of the ship, and will take from Mr. J.D. Craig, of this Department, who is going as Officer in Charge and Commander of the expedition, your orders as to the date of sailing and the places to be visited, and as to other matters not connected with the navigation of the ship.

The selection of the points at which the posts will be established is to be made by Inspector Wilcox, after due consultation with Mr. Craig and yourself, your advice in this respect carrying, of course, much weight on account of your extensive experience in the North.

Mr. Craig is being advised in all cases of doubt as to what course to pursue, and particularly in the ice, to consult with you and to be guided largely by your advice.

When landing the detachments and their supplies it is understood that you and your officers and crew are to give every possible assistance to the R.C.M.P., especially in the erection of their buildings, subject however to your judgment as to whether ice and weather conditions, and the season of the year[,] permit of delaying the ship for this purpose longer than is absolutely necessary to land the men and their supplies.

It is most important that there should be co-operation in the highest degree in carrying out the wishes of the Department as set forth by Mr. Craig, and I am sure that you will use every endeavour to do your share of carrying the expedition through to a successful conclusion, the safety of the vessel and of those on board being always the paramount idea in your movements.

Yours very truly,

[W.W. Cory]
Commissioner.

Captain J.E. Bernier,
c/o Marine & Fisheries Department,
Quebec, P.Q.

281.

Instructions from Assistant Commissioner, Royal Canadian Mounted Police, to
Officer Commanding Ellesmere Sub-District

Directives du commissaire adjoint, Royale gendarmerie à cheval du Canada, à
l'officier commandant le sous-district d'Ellesmere

LAC/ BAC, RG 18, vol. 3757, file/ dossier G-516-37

Copy/ Copie

Ottawa, July 6th 1922.

Memorandum to:

Inspector Wilcox, R.C.M. Police,
Montreal, P.Q.

You have been selected to take charge of the different parties going North on the steamship "Arctic" for duty in the Northern land. Three detachments are to be established, one of which will be Ponds Inlet, about where Sergeant Joy is at present. The other two will be one on Ellesmere Island and one on Devon, at points which cannot be determined from here, but will be determined after consultation between Captain Bernier, Mr Craig and yourself. Mr Craig goes in charge of the Expedition as representing [the] Department of the Interior. Captain Bernier is in charge of the ship as Navigating Officer. I attach herewith, for your information, a copy of the instructions which both these gentlemen have had from the Department of the Interior. Whilst studying these instructions, advice from Captain Bernier will be most valuable, and you should be guided by that to a great extent as far as location and conditions in the country are concerned.

The medical man and yourself will be stationed at the most Northerly detachment.

The following is a list of the N.C.O's and men who will accompany you:

Cpl McInnis, F.
Cpl Jakeman, B.C.
Cst Friel, H.P.
Cst Fairman, C.G.
Cst Fielder, L.F.
Cst Must, H.J.
Cst Anstead, E.
Cst Lee, H.P.
Cst McGregor, W.B.

The Doctor has not yet been appointed. His name will be furnished you as soon as he is.

As you call at Burwell, you can use your judgment whether you should leave Sergeant Wight, who is now stationed there, at that place, or exchange him for another N.C.O.

Your general duty is to enforce law and order in all the districts tributary to the several Posts, and the authority given to you and the N.C.O's in charge of Posts as Justices of the Peace, and Coroners, will enable you to deal with most cases which may arise of an infraction of the law.

As special Officers of Customs, it will be your duty to enforce the Customs law, and carry out the detailed instructions[†] issued [to] you by the Customs Department.

As a Postmaster at each place, it will be the duty of each one in charge to carry on those duties in accordance with the Post Office Regulations.

Sergeant Joy has been directed to make a thorough enquiry into the alleged murder of a Mr Janis [Jones], and take such steps [as may be necessary] to bring the guilty party or parties to justice. No reports have yet been received. I hope that by return of the boat

something definite will be learned. The instructions¹⁷¹ to Sergeant Joy regarding this matter, given by the Commissioner, will be carried out.

Every effort has been made to procure suitable houses, the best of food supplies, and every other article of stores which it was thought would be useful to your detachments. You have been personally employed in the purchase of these, so that there should be no complaints on this score.

You have been provided with a letter† from the Danish Consul to the authorities in Greenland, which authorizes you to purchase from them any dogs or supplies which you may require giving them in payment an order on this office, which they would send through their Head Office for collection here. I would ask you, on those orders, to give full detail which would facilitate the accounting here. This letter of the Danish Consul is made out in your name. As the probability is that your own location will be the first established, and that Mr Craig on his way down may have some occasion to make purchases in Greenland, you might prepare a letter from yourself, and attach thereto a copy of the Consul's letter, asking the same courtesy to be rendered to Mr Craig as the representative of the Department of the Interior in charge of the Expedition, arranging it in such a way that there will be no difficulty for him to exercise the same privileges.

I rely upon your good judgment and previous experience to carry out your duties with credit to yourself and to the satisfaction of Headquarters.

[Cortlandt Starnes]

282.

Despatch from Secretary of State for the Colonies to Governor General

Dépêche du secrétaire d'État aux Colonies au gouverneur général

LAC/ BAC, RG 7 G-21, vol. 412, file/ dossier 10045

Downing Street,
15 July, 1922.

Confidential.

My Lord,

With reference to my despatch No. 285 of June 3rd, I have the honour to transmit to Your Excellency to be laid before your Ministers, the accompanying copy of some notes by the Hydrographer of the Navy upon the question of the ownership of Wrangel Island.

2. I would also state that the Air Council who were consulted as to the possibility of the future use of the island as an aerial station for world traffic, have expressed the view that it is improbable that it will ever possess any value as an air base for purposes of service aviation. From the point of view of civil aviation they find it difficult to foresee any use to which the island could be put in the near future, though they consider that the navigation of lighter-than-air craft in the Polar regions does not present any insuperable difficulties, and that, should there ultimately be any development of commercial flying in this area, it is possible that Wrangel Island might prove of value.

3. The Secretary of State for Foreign Affairs observes that in the light of the facts recorded in the notes of the Hydrographer of the Navy, the claim of the Russian Soviet Government to the island does not appear to be valid, but that it would appear that no one country can be said to have an indisputable claim.

¹⁷¹ Doc. 263.

4. His Majesty's Government will await the views of the Canadian Government before replying to the Soviet Government's note, a copy of which was enclosed in my despatch under reference.

I have the honour to be,
My Lord,
Your Lordship's most obedient,
humble servant,

Winston S. Churchill

Governor General, His Excellency, General, the Right Honourable,
Lord Byng of Vimy, G.C.B., G.C.M.G., M.V.O.,
etc., etc., etc.

Enclosure: Memorandum by Hydrographer of Royal Navy
Pièce jointe : Note de l'hydrographe, Marine royale
Copy/ Copie

MEMORANDUM BY HYDROGRAPHER OF THE NAVY ON THE QUESTION
OF THE OWNERSHIP OF WRANGELL ISLAND.

The question of its ownership is a complicated one, and cannot be readily grasped without first examining the various grounds—discovery, formal taking of possession, or continuous occupation—upon which the claims (British, Canadian, American and Russian) are based.

By Discovery.

2. Recent investigation in this Department has shown that the island was not, as is generally stated (e.g. in the Soviet Government Note, and in the "Arctic Pilot, Volume I"), discovered and named by Ferdinand Wrangell (Russian), in 1823.

3. Wrangell's own account, which is supported by the evidence of his published account and his chart, is that he was informed by the natives that in clear summer weather the peaks of high mountainous land could be seen a long way north of C. Jakan, and on the strength of this hearsay evidence he inserted this land on his chart, but although he made several attempts to reach it personally, as well as detaching a party for the purpose, no member of the expedition ever obtained any direct evidence as to such land's existence. Nor was it given the name of Wrangell Island or Wrangell Land at this time.

4. The first recorded sighting of Wrangell island is that of Captain Henry Kellett, C.B., R.N., who sighted it on August 17th 1849. He was unable to approach it nearer than about 30 miles, and in consequence his survey of its eastern coast—the only portion seen—is not very accurate, while he did not determine it to be an island. His charting of it appears in the original edition of Admiralty Chart No. 2435 published in 1856.

5. The south coast of the island was examined in 1867 by an American Whaler, Thomas Long, to whom the name "Wrangell Land" is due, apparently in commemoration of that explorer.

6. Its northern shore was first sighted by the "Jeannette" (American) expedition in 1879.

By Formal taking of Possession.

7. This has been done repeatedly, by different nations. Kellett landed on Herald Island, which lies some thirty miles eastward of Wrangell island, on August 17th 1849, and took formal possession of it for this country. It does not appear however, from his report of

proceedings or from the "Herald's" log, that any declaration was made of extending possession over Wrangell island, which was in sight at the time.

Possession of the island was taken in the name of the United States Government by Captain Hooper of the U.S. Corvette "Corwin" in 1881, by M. Wilkitsky for the Russian Government about 1913,¹⁷² and by Mr. Stefansson for Canada in 1914, and again in September 1921.¹⁷³

Continuous Occupation

8. It does not appear that the island has ever been occupied for more than a few months at a time. The Canadian expedition spent from March-September 1914, there and apparently some members of the party who recently accompanied Mr. Stefansson are still on the island.

9. From the foregoing it will be seen that the Russian title to the island is by no means as indisputable as the Soviet Government wish to have it thought, and, indeed, rests on very slender foundations. Geographically considered, the island obviously appertains to the Siberian coast, but in many similar cases this consideration has not carried as much weight as the fact of priority of discovery (which, as far as the evidence goes, belongs in this case to this country) or of formal taking of possession (which, in the absence of further information respecting Kellett's proceedings, belongs to the United States).

10. Mr. Stefansson's views as to the commercial importance of the island appear to be somewhat over-sanguine. From a Naval point of view, it is not considered that its ownership is a matter of much importance.

[Frederick Learmonth]

Admiralty 17th June 1922.

283.

Memorandum for Prime Minister by Legal Adviser, Department of External Affairs
Note à l'intention du premier ministre du conseiller juridique, ministère des Affaires extérieures

LAC/BAC, RG 25, vol. 2667, file/dossier 9057-B-40

[Ottawa,] August 9, 1922.

Secret

WRANGEL ISLAND

1. The accompanying documents¹⁷⁴ were submitted to me by the Prime Minister's Secretary with the intimation that the Prime Minister wished me, after examining them, to

¹⁷² The landing took place in 1911./ Le débarquement eut lieu en 1911.

¹⁷³ For further information on the history of Wrangel Island, see/ Pour d'autres renseignements sur l'histoire de l'île Wrangel, voir docs 221, 271, footnotes/ notes en bas de page.

¹⁷⁴ The Department of the Interior file on Wrangel Island, plus other documents related to Stefansson's requests for government support and particularly for money to fund a 1922 voyage with supplies for the men on Wrangel Island. Stefansson was granted \$3,000 for the relief effort on the grounds that one of his men, Allan Crawford, was a Canadian. See Order-in-Council 1922-1735, approved on 21 August, LAC, RG 2, vol. 1310. However, the government did not give any formal sanction for Stefansson's claim to Wrangel Island as a Canadian possession. The relief expedition failed to reach the island because of heavy ice.

Le dossier du ministère de l'Intérieur sur l'île Wrangel, en plus d'autres documents se rapportaient aux demandes de Stefansson pour obtenir un appui du gouvernement et en particulier des fonds pour un

consider whether any action on his part was required, and, if so, what step should be taken next.

2. I have examined the papers, but it happens that, in view of the consideration I had to give to the matter many months ago, I have an inherent difficulty in making any suggestion whatever looking to action. My recommendation today, as it was then, is that the matter should be dropped altogether, and that the Government should decline to give either support or recognition to Mr. Stefánsson's venture. The grounds for this view are set out briefly in the attached memorandum¹⁷⁵ which was submitted more than a year and a half ago, when the proposal was in its early stages.

3. Since that time I have seen nothing to invalidate these grounds and much to confirm them. The advantages claimed for the proposal were that Wrangel Island would be valuable as an air base, as a naval base, as a wireless telegraphy station, as well as for commercial exploitation. But no expert or authoritative opinion whatever has been adduced in support of these contentions. Neither the Air Board nor the Naval Service Department (which also controls wireless), has, so far as I have heard, recommended the acquisition of the Island, nor shown indeed the slightest interest in it. Nor has the Department of Trade and Commerce supported the proposal on the economic side, though even demonstrable commercial possibilities would, for the reason indicated in the attached memorandum, be far from a reason for acquiring sovereignty. Moreover we now have the definite view of the Air Ministry and the Admiralty: neither of them evinces any desire for the Island, and neither of them gives us any encouragement to acquire it for ourselves (See Confidential Despatch of July 15, 1922, from the Colonial Office). So much briefly for the alleged advantages.

4. But if nothing authoritative has appeared in support of the positive side, there are on the other hand the clearest disadvantages to be faced. Already we have seen results from the steps taken by Mr. Stefánsson. The Russian Government has definitely protested and challenged the position that he would have us assert. There are indications enough that the American Government look on it with a cool eye, and would indeed support Russia if the matter came to an issue. The Japanese have characteristically given no indication, but in view of their general situation and interests it can scarcely be doubted that they must be watchful and would have to be reckoned with. Still more serious, it seems impossible to avoid the conclusion that action on our part in Wrangel would result in weakening our case

already none too strong – for completing our ownership of the Arctic Archipelago immediately north of our mainland, which all agree to be clearly in our interest.

5. Though it is not directly on the merits of the case, there is some relevancy (e.g. with regard to his claim for compensation) in pointing out the course that has been taken by Mr. Stefánsson in this affair.¹⁷⁶ Nearly two years ago he made his proposal that the Canadian Government take action. After a good deal of consideration the Government decided not to act, and gave him no encouragement to act himself. Last summer he nevertheless went ahead with an expedition of his own and took the step of raising the flag on behalf of the

voyage en 1922 avec des approvisionnements pour les hommes se trouvant sur l'île Wrangel. Stefánsson reçut 3 000 \$ pour l'effort de secours, étant donné qu'un de ses hommes, Allan Crawford, était Canadien. Voir le décret du Conseil 1922-1735, approuvé le 21 août. BAC, RG 2, Vol. 1310. Cependant, le gouvernement n'accorda aucune sanction officielle à la revendication de Stefánsson de l'île Wrangel en tant que possession canadienne. L'expédition de secours ne parvint pas à atteindre l'île à cause de la glace épaisse.

¹⁷⁵ Doc. 240.

¹⁷⁶ Christie explained the reasons for his negative attitude toward Stefánsson even more fully in a memorandum dated 12 June 1922, also in file 9057 B-40. Christie explained encore plus en détail les raisons de son attitude négative envers Stefánsson dans une note datée du 12 juin 1922, aussi du dossier 9057 B-40.

Crown. The affair was accompanied by a great cloud of embarrassing newspaper publicity, crimination and recrimination. Doubtless he cannot be held responsible for all this publicity; conceivably for none of it; but it does happen that all of the affairs with which he has been associated in the past have been accompanied by similar manifestations, and he is well known to have a penchant and a certain facility in this respect. In short it is hard to resist the feeling that the course of the affair discloses the earmarks of an attempt to force the hand of the Government in circumstances that render it not audacious but merely impudent.¹⁷⁷

L.C. Christie

284.

Letter from Under-Secretary of State for External Affairs to Minister of the Interior
Lettre du sous-secrétaire d'État aux Affaires extérieures au ministre de l'Intérieur
LAC/BAC, RG 85, vol. 1124, file/ dossier 1005-5-1

Ottawa, 16th October, 1922

Dear Mr. Stewart,

The Prime Minister sent me a note† some days ago, asking me to see you with the object of having an answer¹⁷⁸ prepared in reply to the Colonial Office confidential despatch of the 15th July last, copy of which I enclose. I also enclose, for your information, copy of a memorandum¹⁷⁹ which I prepared in 1920 and 1922 for the use of the Prime Minister of the day on this subject, also memoranda¹⁸⁰ prepared with the same object by Mr. Christie in 1922 and 1921. These memoranda are not long, and I think they give one a fair idea of the position. Neither Mr. Christie nor myself consider that the Government would have any justification for going on with this claim—in fact, I have not yet met with anybody who thought differently.

About two years ago, at the suggestion of Sir James Lougheed, then Minister of the Interior, I attended some meetings of the Advisory Technical Board of the Department of the Interior. Stefánsson at that time had not run up his flag, but as I understood the meeting, we were unanimous in the belief that no claim to Wrangel Island on the part of Canada would have any merit in it. I think perhaps the best way for you would be to call for a report from your technical officers on the subject. I am of course at your disposal at any time you may wish to see me, when, if you thought fit, we could talk over with Mr. Cory the reply which you would suggest being sent as the reply of the Government to Mr. Churchill's despatch.

Yours very truly,

Joseph Pope

The Hon. Charles Stewart, M.P.,
 The Minister of the Interior,
 Ottawa.

¹⁷⁷ Marginal note:/ Note marginale :

Memorandum submitted to the Prime Minister. 9.VIII.22. L.C. C[hristie]

¹⁷⁸ That is, a draft reply for consideration by Council. 'C'est-à-dire, un projet de réponse pour examen par le Conseil.

¹⁷⁹ Doc. 231.

¹⁸⁰ Docs 240, 283.

285.

Memorandum from Deputy Minister of the Interior to Director, Northwest Territories Branch

Note du sous-ministre de l'Intérieur au directeur, Secteur des Territoires du Nord-Ouest

LAC/ BAC, RG 85, vol. 1124, file/ dossier 1005-5-1

Ottawa, 18th October, 1922.

Memorandum:—

Mr. Finnie.

I am sending you, herewith, a communication¹⁸¹ which Sir Joseph Pope, Under-Secretary of State for External Affairs, has addressed to our Minister relative to the draft of a reply to a Colonial Office confidential despatch of the 15th July last, concerning Wrangel Island.

I rang up Mr. Measures of the Prime Minister's Office and asked him if he could locate our file on this subject which I believe is in the Prime Minister's office. He has promised to look it up and return it to us.

I agree with the suggestion that Canada should make no attempt to claim Wrangel Island, and I would be glad if you would have the various points involved in this matter brought to the surface in a brief memorandum.

W.W. Cory
Deputy Minister.

286.

Despatch from Secretary of State for the Colonies to Governor General

Dépêche du secrétaire d'État aux Colonies au gouverneur général

LAC/ BAC, RG 7 G-21, vol. 412, file/ dossier 10045

Downing Street,
4 November, 1922.

Confidential.

My Lord,

With reference to my predecessor's confidential despatch of the 15th of July, I have the honour to transmit to Your Excellency, for the information of your Ministers, the accompanying copy of a memorandum received from the United States Embassy relative to the national status of Wrangel Island.

¹⁸¹ Doc. 284.

With regard to the last paragraph of this memorandum. I enclose a copy of a note received from the Russian Ambassador dated the 23rd October, 1916.

I have the honour to be,
My Lord,
Your Lordship's most obedient
humble servant,
Devonshire.

Governor General, His Excellency, General, the Right Honourable,
Lord Byng of Vimy, G.C.B., G.C.M.G., M.V.O.,
etc., etc., etc.

Enclosure 1: Memorandum from Embassy of United States in United Kingdom to Secretary of State for Foreign Affairs

Pièce jointe 1 : Note de l'ambassade des États-Unis au Royaume-Uni au secrétaire d'État aux Affaires étrangères

Copy/ Copie

Wrangell Island (or Wrangell Land), which lies in the Arctic regions about one hundred miles north of the coast of Siberia, seems first to have been heard of, but not sighted, in 1823 by Baron von Wrangell, a Russian naval officer. Captain Kellett, of the British ship *HERALD*, caught a glimpse of the island in 1849, but did not land thereon. In 1867 Captain Long, of the American whaler *NILE*, approached within fifteen miles of the island and gave it the name of Wrangell Land in honor of the Russian explorer above mentioned.

The first landing of which there is record was made in 1881 by officers of the United States revenue cutter *CORWIN*. The officers of the *CORWIN* raised the United States flag, took possession of the territory in the name of the United States, and deposited a record on the island. A few weeks later the U.S.S. *ROGERS* anchored in a harbor of Wrangell Island. The officers of this naval vessel found the United States flag and the record left by the officers of the *CORWIN*. They made an extensive survey of the island.

From that time there appears to have been no landing until March, 1914, when the crew of the Canadian ship *KARLUK* was forced to land on the island because of the wreck of its vessel. The crew of the *KARLUK* was rescued the next September by an American vessel from Nome, Alaska.

One more landing has taken place since then. According to a report published in the *New York TIMES* of March 20, 1922, and in other newspapers at about the same time, a party of men, operating under the direction of Mr. Vilhjalmur Stefansson, arrived at Wrangell Island September 21, 1921, on the American sloop *SILVER WAVE*. So far as is known this party is still on the island. The party is reported to consist of a Canadian leader and three American citizens. It is reported that the Canadian leader immediately upon landing took possession of the island in the name of Great Britain or of Canada.

The facts set forth above indicate that the question of the status of Wrangell Island may require consideration at this time, especially in view of a statement¹⁸² reported to have been made by the Canadian Minister of Militia and Defence in the Canadian House of Commons

¹⁸² On this date, the Minister of Militia and Defence, George Graham, remarked with regard to Wrangell Island that "what we have we hold." See Canada, *House of Commons Debates*, 14th Parliament, 1st session, vol. 152, p. 1751. À cette date, le ministre de la Milice et de la Défense, George Graham, fit la remarque concernant l'île Wrangell que « nous gardons ce que nous avons ». Voir Canada, *Chambre des communes, Débats*, 14^e législature, 1^{re} session, vol. 152, p. 1769.

on May 12, 1922, indicating a possible intention on the part of the Canadian Government to assert ownership thereof.

In addition to possible claims by the United States or by Great Britain (for itself or on behalf of the Canadian Government), a claim to the island has been put forward by Russia. The Government of the United States received from the Imperial Russian Ambassador at Washington under date of November 13, 1916, a communication asserting that the Imperial Russian Government considered as forming part and parcel of the Empire Wrangell and other islands lying near the Siberian coast. It is presumed that a similar communication was made to the Government of Great Britain at the same time.

London, September 27, 1922.

Enclosure 2: Note from Ambassador of Russia in United Kingdom to Secretary of State for Foreign Affairs

Pièce jointe 2 : Note de l'ambassadeur de Russie au Royaume-Uni au secrétaire d'État aux Affaires étrangères

Copy/ Copie

Londres le 23 Octobre, 1916.

No. 1457.

Monsieur le Vicomte,

D'ordre du Gouvernement Impérial j'ai l'honneur de faire parvenir ci-pres à Votre Seigneurie une notification officielle au sujet de l'incorporation dans le territoire de l'Empire Russe des terres et îles situées dans l'Océan Glacial Arctique découvertes par le capitaine de fregate Wilkitzki Aide de Camp de SA MAJESTÉ L'EMPEREUR, lors de son expédition hydrographique en 1913 et 1914.

Une carte Géographique des terres et îles susmentionnées se trouve annexée à la notification ci-jointe.

C'est avec la plus haute considération que j'ai l'honneur d'être, &c.

[Benckendorff]

A Sa Seigneurie le Vicomte Grey de Fallodon, K.G.,
&c., &c., &c.

Enclosure 3: Notification from Government of Russia

Pièce jointe 3 : Notification du gouvernement de la Russie

Copy/ Copie

[Petrograd]

Le grand nombre de découvertes et d'explorations géographiques dans le domaine des régions polaires situées au Nord de la côte asiatique de l'Empire de Russie, dues aux efforts des navigateurs et des négociants russes depuis des siècles, vient d'aboutir aux récents succès dont se termina l'activité du capitaine de fregate Wilkitzki, Aide de Camp de SA MAJESTÉ L'EMPEREUR, chef de l'expédition hydrographique chargée en 1913-14 de l'exploration de l'Océan Polaire du Nord.

Cet officier de la Marine IMPERIALE Russe exécuta en 1913 l'hydrographie de plusieurs sections étendues de la côte nord de la Sibérie et découvrit au 75° 45' N une île, nommée plus tard île du Général Wilkitzki; plus remontant au nord découvrit des terres spacieuses, s'étendant au nord de la presqu'île Taimyr auxquelles furent donnés les noms de Terre de l'Empereur Nicolas II, de l'île Tzessarevitch Alexei et de l'île Starokadomski.

Au cours de l'année 1914, le capitaine Wilkitzki ayant fait de nouvelles et importantes constatations, a découvert une autre île nouvelle près de l'île Bennett. Le nom de Nowopachenni fut donné à cette île.

Le Gouvernement IMPERIAL de Russie a l'honneur de notifier par la présente aux Gouvernements des Puissances alliées et amies l'incorporation de ces terres dans le territoire de l'Empire de Russie.

Le Gouvernement IMPERIAL profite de cette occasion pour faire ressortir qu'il considère aussi comme faisant partie intégrante de l'Empire les îles Henriette, Jeannette, Bennett,¹⁸³ Herald¹⁸⁴ et Oujedinenia,¹⁸⁵ qui forment avec les îles Nouvelle Sibérie, Wrangel et autres situées près de la côte asiatique de l'Empire, une extension vers le nord de la plate forme continentale de la Sibérie.

Le Gouvernement IMPERIAL n'a pas jugé nécessaire de joindre à la présente notification les îles Novaïa Zemlia, Kolgouev, Waigatch et autres de moindres dimensions situées près la côte européenne de l'Empire, étant donné que leur appartenance aux territoires de l'Empire se trouve depuis des siècles universellement reconnue.

Une carte géographique indiquant les îles et terres susmentionnées est jointe à la présente notification.

287.

Memorandum from Legal Officer, Department of the Interior, to Director, Northwest Territories Branch

Note d'officier juridique, ministère de l'Intérieur, au directeur, Secteur des Territoires du Nord-Ouest

LAC/ BAC, RG 85, vol. 1124, file/ dossier 1005-5-1

[Ottawa,] 28th November, 1922.

Memorandum

· Mr. Finnie.

With reference to the memorandum asking that a reply be drafted with relation to Wrangel Island for the Colonial Office, I beg to state that as far as I know the position of Wrangel Island is unchanged. Until the pleasure of the Government is known, it will not be possible to draft a reply to the Colonial Office concerning the Island in dispute. With this

¹⁸³ These three islands were discovered by the American explorer George Washington De Long during the *Jeannette* expedition./ Ces trois îles furent découvertes par l'explorateur américain George Washington De Long au cours de l'expédition *Jeannette*.

¹⁸⁴ Discovered by Henry Kellett in 1849. Kellett raised the British flag on the island and proclaimed British sovereignty. Découverte par Henry Kellett en 1849. Kellett planta le drapeau britannique sur l'île et proclama la souveraineté britannique.

¹⁸⁵ Uyedineniya Island, also known as Lonely Island, was discovered in 1878 by Edvard Holm Johannesen, a Norwegian. L'île Uyedineniya, aussi connue comme île Lonely, fut découverte en 1878 par Edvard Holm Johannesen, un Norvégien.

in view I am re-writing my memorandum of June 15, 1922, " and placing it on top for your information. This memorandum, I think, brings to the surface the various points in International Law with respect to the different claims, as briefly as possible.

T.L. C[ory]

288.

Letter from Minister of the Interior to Under-Secretary of State for External Affairs
Lettre du ministre de l'Intérieur au sous-secrétaire d'État aux Affaires extérieures
LAC/ BAC, RG 25, vol. 2667, file/ dossier 9057-B-40

Ottawa, 1st December, 1922.

My dear Sir Joseph,

Having reference to your letter of the 16th October, 1922, and the marginally noted despatches, also a further [letter]¹⁸⁷ received from your office under date the 16th ultimo covering a confidential despatch from the Secretary of State for the Colonies to the Governor General, dated the 4th ultimo, all on the subject of the national status of Wrangel Island, I am forwarding you herewith a memorandum¹⁸⁸ which has been prepared by the Legal Advisor of the North West Territories Branch, which I wish that you would bring specially to the attention of the Prime Minister.¹⁸⁹

In case my views are desired I may say that I am inclined to agree with the opinion expressed in the attached memorandum, that under existing conditions it would be inadvisable to press Canada's claim to Wrangel Island.

Yours faithfully,

Chas Stewart

Sir Joseph Pope, K.C.M.G.,
Under-Secretary of State for External Affairs,
Ottawa.

¹⁸⁷ The memo was not revised, merely copied. Le mémoire ne fut pas révisé, simplement copié.

¹⁸⁸ After this unsatisfactory response to a request originating with the Prime Minister, T.L. Cory was seldom consulted on Arctic issues. When a similar situation arose in 1924, Minister Stewart resorted to Finnie's opinion (see docs 322, 323). Finnie's policy recommendations were developed in consultation with J.D. Craig during 1923, 1924, and 1925. For advice on legal issues, he turned to the Departmental Solicitor, Kenneth Daly, in 1924 and 1925 and to James White of the Department of Justice in 1925 and the following years, until White's death in 1928.

Après cette réponse insatisfaisante à une demande du premier ministre, T.L. Cory fut rarement consulté sur les questions relatives à l'Arctique. Lorsqu'une situation similaire survint en 1924, le ministre Stewart se fia à l'opinion de Finnie (voir docs 322 et 323). Les recommandations politiques de Finnie furent développées en consultation avec J.D. Craig en 1923, 1924 et 1925. Pour des conseils sur des points juridiques, il se tourna vers l'avocat de ministère, Kenneth Daly, en 1924 et 1925, et vers James White du ministère de la Justice en 1925 et les années suivantes, jusqu'au décès de White en 1928.

¹⁸⁸ Doc. 279.

¹⁸⁹ See: Voir doc. 292, footnote note en bas de page.

289.

Despatch from Secretary of State for the Colonies to Governor General
Dépêche du secrétaire d'État aux Colonies au gouverneur général
LAC/ BAC, RG 7 G-21, vol. 411, file/ dossier 10045

Downing Street,
 24 February, 1923.

Confidential.

My Lord,

With reference to my confidential despatch of the 4th of November last regarding Wrangel Island, I have the honour to request Your Excellency to inform your Ministers that a semi official communication[†] has been received from the United States Embassy referring to their memorandum¹⁹⁰ of the 27th of September 1922, and enquiring as to the views of the British and Canadian Governments on the present status of the island and as to their intentions with respect to it.¹⁹¹

2. Before replying to this enquiry, His Majesty's Government would be glad to learn the views of the Canadian Government on the question.

3. In this connexion I would invite reference to the last paragraph of my predecessor's confidential despatch of the 15th of July 1922.

I have the honour to be,
 My Lord,
 Your Lordship's most obedient,
 humble servant,
 Devonshire.

Governor General His Excellency General the Right Honourable
 Lord Byng of Vimy, G.C.B., G.C.M.G., M.V.O.,
 etc., etc., etc.

290.

Letter from Assistant Commissioner, Royal Canadian Mounted Police, to Director,
Northwest Territories and Yukon Branch, Department of the Interior
Lettre du commissaire adjoint, Royale gendarmerie à cheval du Canada, au
directeur, Secteur des Territoires du Nord-Ouest et du Yukon, ministère de
l'Intérieur

LAC/ BAC, RG 85, vol. 268, file/ dossier 1003-6

Ottawa, March 7th 1923.

Sir:

Two years ago, Staff Sergeant Joy was sent by himself to Ponds Inlet to investigate and take necessary proceedings in connection with the murder of a white man by the name of

¹⁹⁰ Doc. 286, enclosure/ pièce jointe.

¹⁹¹ A report in the State Department's files describes the approaches made by the US Embassy in London to the Foreign Office during late January and early February 1923. Un rapport aux dossiers du département d'État décrit les démarches faites par l'ambassade des États-Unis à Londres auprès du Foreign Office pendant la période allant de la fin de janvier au début de février 1923.

See/ Voir Post Wheeler to Secretary of State, 11 April 1923, NACP, RG 59, Microcopy 316, roll 77, file 861.0144/18.

Janes. Staff Sergeant Joy went up with the Hudson's Bay Company's boats. In August 1922, before he knew of an expedition going North for the purpose of establishing a detachment, he prepared his reports,¹⁹² which have come to hand by the "Arctic." In one of these reports he states as follows:

"Traders at Pond Inlet and Cumberland Gulf have a bad effect on the natives, as considerable intoxicating liquor has been carried there by unscrupulous white traders.

There are three Scotch and English firms trading in the district of Cumberland Gulf in addition to the Hudson's Bay Company, and for this reason, and the fact that Port Burwell¹⁹³ is too far South for some vessels, I recommend that Cumberland Gulf should also be a Customs Port. The Eskimo population in Cumberland Gulf is said to be twice to three times the number in the vicinity of Pond Inlet."

It was the intention, after agreement between your Department and this one, when the "Arctic" was sent up to the North last year, to establish three detachments, each composed of one Non-Commissioned Officer, two Constables and an interpreter, and that one of these detachments would have, in addition, an Inspector and an Acting Assistant Surgeon, and an additional man as cook. These detachments were to be placed, circumstances permitting, as follows:

One on Ellesmere Land, as near to Etah as possible;

One on North Devon Island, and

One on the North end of Baffin Land, Ponds Inlet.

Owing to want of space on the "Arctic" the equipment for only two of these detachments, besides the additional house for an Inspector, could be taken on board. The equipment, including houses for a third detachment, was stored at Quebec for future use. The men for the three detachments, however, being already on board, it was thought advisable to let them proceed. The detachment at Ponds Inlet was duly established.

The detachment for Ellesmere Land was established on the Southern end at Craig Harbour, it having been found impossible to proceed further North on account of ice conditions.

After considering the remarks made by Sergeant Joy, and from a Police point of view, I would consider that when the expedition is shipped North again during the coming season, it would be advisable to place the detachment for which we have, at present, a complete equipment in store at Quebec, at Cumberland Gulf, where, evidently, there is necessity for Police supervision, and that the placing of a detachment on North Devon be deferred until another year.

From a conversation with yourself and Mr Craig, a few days ago, I gather it is the intention of your Department that a detachment should be placed, if possible, further North on Ellesmere Land, in the vicinity of Etah. It would be impracticable to move the buildings and heavy equipment from Craig Harbour to this further North point, and should it be decided to carry out this intention, an additional set of buildings and equipment will be required. This would cost in the vicinity of \$15,000.00 and an amount would have to be placed in [the] Supplementary Estimates to cover this.

I do not consider that there would be any necessity of two detachments on Ellesmere Land, and if the one further North is established, the buildings at Craig Harbour would have to be temporarily abandoned, and I think, if possible, the men who are there now, should be transferred to the further North Post.

¹⁹² See/ Voir docs 262, 263.

¹⁹³ An RCMP post and a customs house were established at Port Burwell in 1920. Un poste de la RCGC et un bureau des douanes furent établis à Port Burwell en 1920.

Of course, without any report from Inspector Wilcox, who is now at Craig Harbour, and owing to so many circumstances such as ice conditions, etc., it is impossible to make any plans in advance how this could be accomplished, and the matter would have to be left to the Officer representing your Department, the Navigating Officer and Inspector Wilcox, when on the ground. I feel confident that when Ponds Inlet and Craig Harbour are reached, it will be found that both Inspector Wilcox and Sergeant Joy have made very extensive patrols and gathered a great deal of information that will be of use in making a decision.¹⁹⁴

I have the honour to be, Sir,
Your obedient servant,

Cortlandt Starnes
Asst. Commissioner.

The Director of the Northwest Territories [O.S. Finnie],
Ottawa, Ont.

291.

**Memorandum from Officer in Charge of Eastern Arctic Patrol to Director,
Northwest Territories and Yukon Branch, Department of the Interior**
**Note de l'officier responsable de la patrouille de l'Arctique oriental au directeur,
Secteur des Territoires du Nord-Ouest et du Yukon, ministère de l'Intérieur**
LAC/ BAC, RG 85, vol. 268, file/ dossier 1003-6

Ottawa, 10th March, 1923.

Memorandum:

Mr. Finnie.

RE COLONEL STARNES' LETTER [...] OF THE 7TH INSTANT.

Knowing conditions at Cumberland Gulf as I do from information acquired last summer I quite realize that there is urgent necessity for the establishment of a police post at that point.

I do not, however, see any reason why this should be allowed to interfere with our scheme of covering the Archipelago with police posts, custom houses and post offices at what might be called strategic points in the sense of international law.

There is no reasonable possibility of any doubt concerning the strength of our title to the southern part of Baffin Island and I do not see how the establishment of a police post there would help any from our point of view. There is, however, the same necessity that there was last year and the year before, although perhaps not to quite so great an extent, for the establishment of posts at various points on some of the more northerly islands. The point mentioned in Colonel Starnes' letter on Ellesmere Land as nearly opposite Etah is very important and should not be neglected as it is the point of crossing between Greenland and Ellesmere Island. It is possible, as Colonel Starnes suggests, that after this post has been established it would be advisable to temporarily abandon, or at least reduce the strength of, the post at Craig Harbour but it is not I believe quite certain, from a legal standpoint, that one post on an island controls the entire island.

¹⁹⁴ Marginal note:/ Note marginale :
M^r Craig[:] For your views. O.S. F[innie]

From conversations with Inspector Wilcox during the voyage last summer, he seemed to think it advisable, and I agree with him, that a central post should be established somewhere to the westward, preferably on Lancaster Sound as this Sound is among the earliest northern waters to open and stays open until a comparatively late date.

I think the equipment and supplies for one post, now stored at Quebec, should be sent north on the "Arctic" and every effort should be made to establish a post opposite Etah. The establishment of the central or headquarters post referred to might be left until another year. If the establishment of the post at Cumberland Gulf is as urgent as Colonel Starnes appears to think it is, this, and not the Etah post, should be covered by an item to be put in the Supplementary Estimates and arrangements should be made by the R.C.M.P. I think to send it north by say the Hudson's Bay Company's boat. I do not think that the Etah post should be left over this year and it is not at all certain that the "Arctic" could establish a post [near] Etah, resupply Pond's Inlet and establish the Cumberland Gulf post all in one season, to say nothing of probably making a visit or two to Craig Harbour.

This is my personal opinion in the matter and I am writing¹⁹⁵ Captain Bernier sending him a copy of Colonel Starnes' letter to you and of this memorandum, and asking for his views on the subject.

J.D. Craig

292.

Memorandum for Prime Minister by Under-Secretary of State for External Affairs
Note à l'intention du premier ministre du sous-secrétaire d'Etat aux Affaires
extérieures

LAC/ BAC, RG 25, vol. 2667, file/ dossier 9057-B-40

Copy/ Copie

MEMORANDUM FOR THE PRIME MINISTER [W.L.M. KING].

In October last Mr. King sent me a note asking me to see the Minister of the Interior in regard to a confidential despatch from the Colonial Office, dated 15th July, 1922, on the subject of the ownership of Wrangel Island. I was not successful in seeing Mr. Stewart at the time, but in December he sent me a memorandum prepared by the Legal Adviser of the North West Territories Branch of the Department of the Interior, respecting Canada's claim to this Island. Mr. Stewart added that he agreed with the opinion expressed in this memorandum to the effect that under existing conditions it would be unadvisable to press Canada's claim to Wrangel Island. Mr. Christie and I took the same view. I now submit copy of a Confidential despatch, dated 24th February 1923, from the Colonial Office, asking to be favoured with the views of the Canadian Government upon the question. On referring^{*} this to the Minister of the Interior, he replies^{*} that he is still of the same view as he was when he last wrote, that is to say that under existing conditions he would deprecate any action in the direction of pressing Canada's claim to this Island. I would respectfully enquire whether it would be agreeable to the Prime Minister that I should prepare a

¹⁹⁵ Marginal note:/ Note marginale :

M' Craig[:] Please advise me further when you get Capt Bernier's reply. O.S. F[innie]

In his reply to Craig, dated 12 March, also in file 1003 to Bernier suggested that a post at Cumberland Sound and a second post on Ellesmere Island. Dans sa réponse à Craig, datée du 12 mars, sous le dossier 1003 to Bernier était en faveur à la fois d'un poste à la baie Cumberland et d'un deuxième poste sur l'île d'Ellesmere.

despatch on these lines briefly replying to the Secretary of State for the Colonies to the effect that it is not considered expedient to put forward any specific claim to Wrangel Island on the part of Canada at the present time.¹⁹⁶

[Joseph Pope]

Ottawa, 22nd March, 1923.

293.

Diary entry by Prime Minister
Entrée au journal par le premier ministre
LAC/BAC, MG 26 J-13

[Ottawa,] Saturday, April 7, 1923.

[...] We had an informal council meeting in my office at which Steffansson outlined his belief in Wrangle Island as worth retaining – we decided to pay his expenses to England to place the matter before the Br. Govt.¹⁹⁷ There are imperial considerations of which acc[oun]t shld be taken. He was much pleased with the outcome. We had nearly or rather actually decidedly [*sic*] previously not to press Canada's claim.¹⁹⁸ [...]

294.

Memorandum from Officer in Charge of Eastern Arctic Patrol to Director,
Northwest Territories and Yukon Branch, Department of the Interior
Note de l'officier responsable de la patrouille de l'Arctique oriental au directeur,
Secteur des Territoires du Nord-Ouest et du Yukon, ministère de l'Intérieur
LAC/BAC, RG 85, vol. 1124, file/ dossier 1005-5-1

Ottawa, 9th April, 1923.

Memorandum:

Mr. Finnie.

Please note the attached clipping¹⁹⁹ from this morning's Citizen.

¹⁹⁶ On 27 March Prime Minister King met with Stefansson and told him that there would be no Canadian claim to Wrangel Island. King diary, LAC, MG 26 J-13. However, Stefansson asked to address the entire Cabinet on the subject, arguing that the idea should not be rejected without first consulting the British authorities about the possible role of the island in imperial geopolitical strategies. Pope therefore wrote another memo for the Prime Minister and forwarded T.L. Cory's memo (doc. 279), which he had not previously had the opportunity to discuss with King. See Pope to King, 5 April 1923, also in file 9057-B-40.

Le 27 mars, le premier ministre King rencontra Stefansson et lui dit qu'il n'y aurait aucune revendication canadienne pour l'île Wrangel. Journal de King, BAC, MG 26 J-13. Cependant, Stefansson demanda à s'adresser à tout le Cabinet sur le sujet, argumentant que l'idée ne devrait pas être rejetée sans d'abord consulter les autorités britanniques sur le rôle possible de l'île dans les stratégies géopolitiques impériales. Pope écrivit donc une autre note pour le premier ministre et lui envoya le mémoire de T.L. Cory (doc. 279) dont il n'avait pas eu précédemment l'occasion de discuter avec King. Pope to King, 5 April 1923, aussi au dossier 9057-B-40.

¹⁹⁷ The expenditure on the trip was authorized by Order-in-Council 1923-714, approved on 21 April. La dépense pour ce voyage fut autorisée par le décret du Conseil 1923-714, approuvé le 21 avril. See Voir LAC/BAC, RG 2, vol. 1327.

¹⁹⁸ For Stefansson's account of this meeting, see Pour le compte rendu de Stefansson de cette réunion, voir Stefansson to Finnie, 8 December 1925, LAC/BAC, RG 85, vol. 764, file dossier 5064.

¹⁹⁹ "Canada Likely [to] Establish Post on Wrangel Id.," *Ottawa Citizen*, 9 April 1923, p. 9.

If it is true, as reported therein, that the Cabinet will probably support Mr. Stefansson in his claims regarding Wrangel Island or in his overtures to the British Government regarding the Island, I think it should again be drawn to the attention of our Government that in supporting this claim, they are weakening, by a very considerable amount, *our* claim to some of the islands of the Northern Archipelago and by publicly drawing attention to the undoubted value of Wrangel Island as a future air base, they are emphasizing the desirability for similar purposes of some of the islands of the Arctic Archipelago, and are practically inviting some other nation to come in and take possession there.

If this is their policy, we should certainly be provided with funds sufficient to complete immediately our program for maintaining our sovereignty in the north instead of spreading it over a number of years as is the present intention.

Otherwise the Government must be prepared to accept the responsibility when some other nation attempts to establish air bases on some of our islands.²⁶⁶

J.D. Craig

295.

Memorandum from Officer in Charge of Eastern Arctic Patrol to Director,

Northwest Territories and Yukon Branch, Department of the Interior

Note de l'officier responsable de la patrouille de l'Arctique oriental au directeur,

Secteur des Territoires du Nord-Ouest et du Yukon, ministère de l'Intérieur

LAC/BAC, RG 85, vol. 601, file/dossier 2502

Ottawa, 11th April, 1923.

Memorandum:

Mr. Finnie.

I beg to submit herewith a confidential appendix, supplementing my report²⁶⁷ of last season's operations as prepared for the "General Report" of the activities of the Branch.

J.D. Craig

²⁶⁶ Finnie immediately drew the clipping and Craig's memo to the attention of the Assistant Deputy Minister, but he also noted that since Minister Stewart was already concerned with the Department's views, there was no point in approaching him. Finnie porta immédiatement la clipping du presse et la note de Craig à l'attention du sous-ministre adjoint, mais il nota aussi que puisque le ministre Stewart était déjà familier avec les opinions du Ministère, il n'était pas nécessaire de faire des démarches auprès de lui.

See: Voir Finnie to Gibson, 9 April 1923, also in file - aussi au dossier 1005-5-1.

Enclosure: Confidential Appendix to Report of Officer in Charge of Eastern Arctic Patrol

Pièce jointe : Appendice confidentiel au rapport de l'officier responsable de la patrouille de l'Arctique oriental

Ottawa, March 31, 1923.

Confidential.

APPENDIX TO REPORT OF THE OFFICER IN
CHARGE, ARCTIC EXPEDITION OF 1922.

Supplementing my general report as submitted herewith, I beg to draw attention to the following points in connection with the Northern Archipelago and its development in the future.

While much was accomplished last season (1922), much remains to be done. Canada's title to the Northern Islands has undoubtedly been made much stronger by the action taken towards effective occupation by establishing police posts, post offices and custom houses on Baffin and Ellesmere Islands, and by the declared intention of following this up by the establishment of additional posts this year and next.

It was impossible last year to establish the contemplated post at or near Cape Sabine on Ellesmere Island opposite Etah, Greenland, although this would appear to be possibly the most important one to be established, and the most necessary. The annual hunt and ensuing slaughter of Ellesmere Island musk-ox by natives of Greenland who cross over during the winter from Etah to Cape Sabine is one of the points that first drew attention to the weakness of Canada's title to the Archipelago, and was one of the chief reasons for last year's expedition. The late start from Quebec, however, and the peculiar ice conditions encountered in the vicinity of Melville Bay made it impracticable to even attempt to push further north along the Greenland coast. It was reported at Godhavn, while we were there on our return trip, that none of the Danish steamers had been able to get farther north than Cape York.

In any case, Captain Bernier considers, with the Arctic rigged as she now is and deficient in steam power, that even this year with a much earlier start than last, it will be very risky to attempt to make Cape Sabine.

It is however most important that this post should be established, and this at once introduces the question of a new ship for this Arctic work. The "Arctic" when in good shape, probably could not have been surpassed for the purpose for which she was designed, i.e., for wintering in the ice. Her hull, both as to lines and strength, was of the very finest, and her equipment of the best procurable, while her efficient rig for sailing enabled her to cover long distances economically and at a fair speed, and in the ice or calm weather she had her engines, under which when new she could steam something over eight knots an hour, light.²⁰¹

Now, however, her rig is completely changed, in fact she is jury-rigged, and is practically helpless under sail alone in any sort of a blow, while owing to various causes, mostly due to her age, she can steam only from three and a half to four knots an hour.

Now that the purpose for which a boat is needed is not to winter in the ice, but to make an annual dash north each season with supplies returning to Quebec the same season[. t]he "Arctic" in her crippled state is far from satisfactory. What is needed is a staunch, powerful

²⁰¹ See/ Voir doc. 150, footnote/ note en bas de page.

ship capable of taking every advantage of open water to distribute supplies quickly and able if necessary to make two trips north in a season without danger of being frozen in.

With the object of ascertaining if there could be procured in England at a reasonable price a ship that could be altered and strengthened to suit our purpose, Captain Barnard was sent to England late in 1922 to look over the ships for sale there. His choice fell on the "St. Finbarr", one of a class of powerful boats known as "Rescue Tugs", and negotiations are still pending at the end of the fiscal year, regarding her purchase from the Admiralty.

The "St. Finbarr" is somewhat smaller than the "Arctic" but this is more than compensated for by her much greater power and speed. Her principal dimensions are: Length, 135 feet, breadth, 29 feet and depth, 16 feet. Her horsepower is 1250 and speed 12 knots.

A question concerning the north that should be settled in the near future is the policy of the Government regarding the welfare of the natives.

One has only to see our Canadian natives, as they are on Baffin Island, and compare them with the Greenland Eskimo, or Greenlanders, as they prefer to be known, to realize what a great opportunity exists to lend a helping hand to our dusky fellow citizens of the North and to teach them how to live in comparative comfort and cleanliness.

The problem is not as simple as it might seem, for it is not by any means merely a question of giving them religious instruction. In fact it would seem that their spiritual welfare is subordinate, almost, to their bodily welfare in the sense that in taking measures to better them physically and materially they will naturally absorb a considerable amount of knowledge of what we call religion and all that goes with it.

The greatest need seems to be for a preceptor of some kind. In bygone days before they came into contact with the white man, these Eskimos were at least self-supporting, although they doubtless led a life of great hardship, for it was not possible for them to live without almost continuous hard work. Since coming into contact with the white man they have become so accustomed to the use of various articles of civilization, such as firearms, matches, tea, tobacco, etc., that they do not appear to be able to exist without them. But in addition to having lost their old capacity for living off the country, they have become quite dependent upon the trader and they shape their entire existence to his ends, i.e., they spend a great portion of the time trapping and hunting for the benefit of the trader, their reward being as a rule, a quantity of what may be called the "supplies of civilization" barely sufficient to last them until the next season. If they run out of supplies, or if the hunting season is poor, they return to the post and expect to be fed by the trader until better times return. In other words they have lost much of their old self reliance, and in return have acquired none of the real benefits of civilization. They live in what are little better than hovels. They do not appreciate the value of cleanliness, and of comfort as we know it they have no knowledge. On the other hand they are friendly and tractable, and eager to assist in every way in their power and as a rule are true and loyal companions and workmen. It is apparent that with development along proper lines they would soon be a people of good strong character and a credit to the country.

The Danes have for many years taken a practical interest in the Greenland Eskimos or Greenlanders. It is quite probable that their considerable admixture of Scandinavian blood may make them more amenable to instruction in the ways of civilization, but it is quite evident even to a casual observer, that their standard of living is much higher than that of their Canadian cousins of Baffin Island.

During our short stay at Godhavn it was not possible to obtain more than a slight idea of what the Danish Government is doing for the Greenlanders, and how they are doing it. Since returning, an effort has been made to procure authoritative information on the subject but as practically all literature published on the subject is in the Danish language, not very much progress has been made.

Enough was seen and learned at Godhavn however to show that the Danish Government has been making long and successful strides in the right direction. There is a government scientific station there in charge of Dr. Porsild, who has spent practically his whole life in an attempt to ascertain along what lines the attempt to develop the Greenlanders should be carried out. There is also another similar station at one of the more southerly settlements. In the schools, it is noteworthy that the natives are taught to speak, read and write Eskimo correctly, but are not taught Danish. They have a monthly paper or magazine edited, set up and printed by natives. They have their own photograph galleries and laundries. They are taught to dress, tan and dye their seal and other skins and to make them up into useful articles for export. They are encouraged in hunting and sealing and other means of making a livelihood and are taught to prepare "for a rainy day".

They live in neat clean houses, the lumber for which is imported from Denmark. Their villages are neatly laid out with trim pathways leading from one part to another. Dogs are practically banished from their villages and no dirt or filth is allowed to accumulate. Their costume differs greatly from that of the Canadian Eskimo and approaches more nearly in type that of the Laplanders. The Canadian Eskimos' costume, if it were kept clean as the Greenlanders' is, would appear to be equally serviceable though possibly not as neat or as picturesque.

The scientific station not only looks after the physical welfare of the natives but carried on experiments of various sorts with the particular object in view of improving the standard of living of the natives, and teaching them the road to health and happiness, and of developing, if possible, some industry that will make the natives even more efficiently self supporting and self respecting. In other words they are attempting to make good citizens of them, and with it all apparently goes a certain amount of religious instruction, although as already mentioned, this does not by any means appear to be the predominant feature of their activities on behalf of the natives.

It has been suggested that our Government should appoint an officer who would spend some time, possibly several years, in the north studying the question from every angle, so that a recommendation may be made as to what action the Government should take regarding the future of our Eskimo population.²⁰² This would appear to be the logical first step towards a solution of the problem, which is one that cannot be settled without much consideration and deliberation.

J.D. Craig
Officer in charge
Arctic Expedition.

²⁰² Lachlan Burwash was given this assignment./ Lachlan Burwash reçut cette affectation.

296.

Letter from Under-Secretary of State for External Affairs to Governor General's Secretary

Lettre du sous-secrétaire d'État aux Affaires extérieures au secrétaire du gouverneur général

LAC/ BAC, RG 7 G-21, vol. 411, file/ dossier 10045

Ottawa, 19th April, 1923

Sir,

With reference to the confidential despatch to His Excellency from the Secretary of State for the Colonies, dated 24th February, 1923, regarding the present status of Wrangel Island, I have the honour to state that repeated representations have been made from time to time by Mr. Vilhjalmur Stefansson as to the desirability of laying formal claim to the island in the name of the Dominion, but this Government, upon consideration of the facts submitted, has been of the opinion that for various reasons it would not, at the present time, be advisable to press a claim on behalf of Canada. However, the Government recently granted Mr. Stefansson an opportunity of making a personal statement regarding the significance of the island, particularly from a strategical point of view, in connection with the Air Service of the Empire, and came to the conclusion that it would be desirable to afford Mr. Stefansson opportunity to present to His Majesty's Government his views as to the necessity from an Imperial standpoint of laying formal claim to the island.

I am accordingly to request that His Excellency may be humbly moved to inform the Secretary of State for the Colonies that Mr. Stefansson will shortly proceed on such a mission, and to ask that he may be afforded an opportunity of expressing his views to the appropriate officials promptly after his arrival in England.²⁰³

I have the honour to be,

Sir,

Your obedient servant,

Joseph Pope

Under-Secretary of State
for External Affairs.

The Governor-General's Secretary [A.F. Sladen],

Ottawa.

²⁰³ A copy of the despatch from Byng to Devonshire, sent on 23 April 1923, is also in file 10045.

Une copie de la dépêche de Byng à Devonshire, envoyée le 23 avril 1923, se trouve aussi en dossier 10045.

297.

**Memorandum from Officer in Charge of Eastern Arctic Patrol to Director,
Northwest Territories and Yukon Branch, Department of the Interior**
**Note de l'officier responsable de la patrouille de l'Arctique oriental au directeur,
Secteur des Territoires du Nord-Ouest et du Yukon, ministère de l'Intérieur**
LAC/BAC, RG 85, vol. 601, file/dossier 2502

Ottawa, May 4th, 1923.

Memorandum.

Mr. Finnie.

I am transmitting herewith for your information a memorandum⁺ concerning the points discussed with Captain Bernier during his recent visit to Ottawa.

Regarding the arrangements for the season's work, you will note that we have included in the itinerary a stop at Dundas Harbour, or at some point further west on Lancaster Sound, sufficiently long to establish a central post there or at some point to be selected after we have picked up Inspector Wilcox at Craig Harbour.

You will remember that Colonel Starnes seemed to be rather of the opinion that it would be quite sufficient for this year to establish the Cumberland Gulf post and the Cape Sabine post. As pointed out in the memorandum herewith, however, the establishment of the Cumberland Gulf post does not affect to any great extent our sovereignty in the North and does not improve our position in that regard. I think every effort should be used to induce Colonel Starnes to see this matter from our point of view so that he may see that sufficient funds are provided to establish a post on Lancaster Sound also.

We should make every endeavour to accomplish as much work as possible this year, as we are now practically assured of having two boats at our disposal. By following the plans outlined in the memorandum herewith, it is expected that we will be able to dispense with the C.G.S. Arctic after this year, but if the third post is not established this season, it may make it necessary to us to keep the Arctic in commission for another year at our expense.

It is also desirable from another point of view for us to cover as much ground as possible this season. As pointed out to you in a memorandum recently, present indications are that the Wrangel Island question will shortly be brought into greater prominence officially, and it is urgent, if any action is taken regarding ownership of this island, that we should be in as secure a position as possible regarding our own islands in the North.

J.D. Craig

298.

**Memorandum from Director, Northwest Territories and Yukon Branch, to Deputy
Minister of the Interior**
**Note du directeur, Secteur des Territoires du Nord-Ouest et du Yukon, au sous-
ministre de l'Intérieur**
LAC/BAC, RG 85, vol. 601, file/dossier 2502

Ottawa, 5th May, 1923.

Memorandum:—

W.W. Cory, Esq., C.M.G.,
Deputy Minister, Interior.

Captain Bernier was here for several days this week and discussed the itinerary and general arrangements for the trip to the North this summer.

Captain Bernier I think should proceed to England just as soon as possible to get the new boat '[St] Fimbarr' (to be re-named 'Franklin') in shape for the summer's work."

It is proposed to establish a post at Cumberland Gulf on the east coast of Bathin Land. There are a considerable number of natives in that particular district also one or two trading posts and it is generally a rendezvous for inhabitants for that part of the country. This is where the murders were committed by Kidlappik the religious fanatic a year or more ago."

With the assistance of the new boat which is much more powerful than the *Arctic*, we think a station should also be established on Ellesmere Island opposite Etah. It was the intention to establish one last year but owing to the severe ice conditions and the *St. Arctic's* lack of power this was impossible. With the new boat I think it can now be accomplished.

We think also a third post should be established farther west, either on Cornwallis [Island] or Bathurst [Island]. Our present posts are confined to the eastern edge of our northern possessions and we think one should be established farther west. This summer will be the time to do it when we will have the two boats. No provision has been made by the Police for the establishment of the third post and it meets with your approval. Mr. Craig and the undersigned will take the question up with Col. Starnes. It will be necessary for the Police to include an item in the Supplementary Estimates to cover the cost."

Mr. Craig has made a detailed report²⁰⁴ hereunder in which he refers to securing a new crew and also to the method which might be adopted in purchasing supplies in England for the new boat. I think, as he does, that it should be done through the High Commissioner's office.

If you will give this memorandum your approval, we will proceed at once as suggested by Mr. Craig.

O.S. Finnie

²⁰⁴ See Voir doc. 295, enclosure, pièce jointe. The *St. Fimbarr* was not large enough to replace the *Arctic*, but was expected to be able to get through the ice in many places where the *Arctic* could not.

Le *St. Fimbarr* n'était pas suffisamment grand pour remplacer l'*Arctic*, mais on s'attendait à ce qu'il puisse traverser les glaces à plusieurs endroits où l'*Arctic* ne le pouvait pas.

²⁰⁵ See/ Voir LAC/ BAC, RG 18, vol. 3293, file/ dossier HQ-681-G-5.

²⁰⁶ Minister Stewart at first suggested that perhaps the new posts should be restricted to the eastern edge of the archipelago. However, Finnie insisted that a post "in the heart of our Northern possessions" was required, and asked that there be further discussion with the Minister. Stewart then agreed to the establishment of a post on Bathurst Island or Cornwallis Island.

Le ministre Stewart suggéra d'abord que peut-être les nouveaux postes devraient être limités à la bordure orientale de l'archipel. Cependant, Finnie insista qu'un poste « in the heart of our Northern possessions » était requis et demanda qu'il y ait d'autres discussions avec le ministre. Stewart accepta alors la création d'un poste sur l'île Bathurst ou sur l'île Cornwallis.

See/ Voir Gibson to Finnie, 9 May 1923, LAC/ BAC, RG 85, vol. 208, file/ dossier 1003-6; Finnie to Gibson, 11 May 1923, file/ dossier 2502; Gibson to Finnie, 18 May 1923, file/ dossier 1003-6.

299.

Letter from Commissioner of Northwest Territories to Commissioner, Royal Canadian Mounted Police

Lettre du commissaire des Territoires du Nord-Ouest au commissaire, Royale gendarmerie à cheval du Canada

LAC/ BAC, RG 18, vol. 3757, file/ dossier G-516-37

Ottawa, 26th May, 1923.

Dear Sir,

Referring further to the matter of the establishment of a central post on Lancaster Sound or farther west on Bathurst or Cornwallis Island. I understand Mr. Finnie and Mr. Craig called on you recently and discussed this.

Since then my Minister has approved of our recommendation that it is advisable to establish this year this central post as well as those at Cumberland Sound and Cape Sabine, as it is quite probable that next year we will not have the "Arctic" at our disposal, and will have only the "Franklin".

I trust that you will concur with us in this decision and that you will cause steps to be taken so that funds may be provided to cover the cost of this third station. Captain Bernier assures us that, benefiting by last year's experience, it will be possible to carry the complete equipment for the three new stations on the "Arctic".

Yours very sincerely,

W.W. Cory
Commissioner.

Colonel Cortlandt Starnes,
Commissioner, Royal Canadian Mounted Police,
Ottawa.

300.

Letter from Commissioner, Royal Canadian Mounted Police, to Commissioner of Northwest Territories

Lettre du commissaire, Royale gendarmerie à cheval du Canada, au commissaire des Territoires du Nord-Ouest

LAC/ BAC, RG 85, vol. 268, file/ dossier 1003-6

Ottawa, May 30th 1923.

Dear Sir,

I beg to acknowledge receipt of your letter of the 26th inst., on the subject of the establishment of certain new Royal Canadian Mounted Police detachments in the Arctic regions this summer, and informing me that your Minister has approved of your recommendation to establish a central post, as well as one on Cumberland Sound, and another at Cape Sabine – a total of three new detachments.

In reply, I desire to say that I took this matter up with the Honourable the Minister of Justice [Sir Lomer Gouin],²⁰⁷ and he has decided that he cannot see his way to ask for any

²⁰⁷ Control of the RCMP had been given to the Minister of Justice by Order-in-Council 1922-923, approved on 26 April 1922. Le contrôle de la RGCC avait été donné au ministre de la Justice par le décret du Conseil 1922-923, approuvé le 26 avril 1922. See/ Voir LAC/ BAC, RG 2, vol. 1301.

further appropriation for new Mounted Police detachments in the Far North this year. He is, of course, willing to utilise supplies and buildings now in store at Quebec for the establishment of a new Police detachment on Cumberland Sound this summer, but as I have already stated, he regrets that he is unable to ask for any further financial provision for any new detachments not already provided for by Parliament.

Yours very truly,

Cortlandt Starnes,
Commissioner.

W.W. Cory, Esq., C.M.G.,
Commissioner of the North West Territories,
Ottawa, Ont.

301.

**Joint Memorandum from Director, Northwest Territories and Yukon Branch,
Department of the Interior, and Officer in Charge of Eastern Arctic Patrol to
Commissioner of Northwest Territories**

**Note conjointe du directeur, Secteur des Territoires du Nord-Ouest et du Yukon,
ministère de l'Intérieur, et de l'officier responsable de la patrouille de l'Arctique
oriental au commissaire des Territoires du Nord-Ouest**

LAC/BAC, RG 85, vol. 268, file/ dossier 1003-6

Ottawa, 7th. June, 1923.

Memorandum:

W.W. Cory, Esq.,
Commissioner.

With reference to your request for a memorandum covering the establishment of Police Patrols in the North for the maintenance of sovereignty, we beg to submit the following:

The original suggestion contained in Mr. Harkin's memorandum²⁰⁸ of November 25th 1920, was that stations should be established as follows:

Bylot Island
North Devon
Ellesmere Island, south end
" " near Cape Sabine
" " farther north
Baffin Island, southern part.

This arrangement was approved of by Order in Council P.C. 79 of January 18th 1921,²⁰⁹ copy† of which is attached hereto.

²⁰⁸ See/ Voir doc. 230, footnote and enclosure: note en bas de page et pièce jointe.

²⁰⁹ Order in Council 1921-79 approved the funds for refitting the *Arctic*, but did not specify how many posts were to be established or where. The establishment of four posts (two on Ellesmere Island, one on Devon Island, and one on Bylot Island) was approved by J.A. Calder, the minister in charge of the RCMP, in February 1921. See doc. 233, footnote.

Le décret du Conseil 1921-79 approuvant le financement pour la remise au état de l'*Arctic*, n'a pas spécifié pas combien de postes devaient être créés ni où. La mise en place de quatre postes (deux sur l'île d'Ellesmere, un sur l'île Devon et un sur l'île Bylot) fut approuvée par J.A. Calder, le ministre responsable de la RGCC, en février 1921. Voir document 233, note en bas de page.

Of these, the post at or near Cape Sabine has always been considered the most important as that is the point at which the natives of Greenland cross over onto Ellesmere Island to hunt musk oxen.

With the limited accommodation and space in the "Arctic" it was considered impossible to establish more than three of these during the first year and, as stated in Colonel Starnes' letter of March 7th. last, copy attached, the detachments were to be placed, circumstances permitting, as follows:

One on Ellesmere Island, as near Etah as possible

One on North Devon

One at Ponds Inlet, Baffin Island.

The tonnage for these posts unfortunately proved greater than was anticipated, and it was found possible to take only two of these posts on board, together with the special house for the Inspector.

With the "Arctic's" new rig, much inferior to her original rig, Captain Bernier upon seeing ice conditions at Cape York, below Etah, was unwilling to risk an attempt to reach Cape Sabine and the northerly post was established at a point, afterwards named Craig Harbour, near the southeastern corner of Ellesmere Island. The post at Ponds Inlet was also established, the intention being to establish a post on Bylot Island (Button Point) this spring by erecting a small building there to be occupied from time to time by some of the members of the Ponds Inlet detachment.

This left North Devon and, more important still, the station near Cape Sabine unprovided for and these points unprotected.

It has been understood throughout that if we provided transportation, the Royal Canadian Mounted Police would provide equipment and personnel for these posts this year, if not last year, and this Branch has proceeded with arrangements on that understanding.

In the meantime the establishment of a police post at Cumberland Sound has become important from a Police point of view, though not from the point of view of maintaining Canadian sovereignty, as the sovereignty of that portion of Baffin Island has never been in doubt, and has been maintained sufficiently well by the leasing of a large portion of the Island a few years ago to the Hudsons Bay Reindeer Company for grazing purposes.

It is here that Colonel Starnes wishes to use the equipment left at Quebec last season on account of lack of space on the "Arctic" and intended for North Devon or for one of the Ellesmere Island Posts.

Captain Bernier, now in command of the "Franklin" and Captain Morin, of the "Arctic" are agreed that with two boats available²¹⁰ it will be possible to establish this post, purely to oblige the Police, to re-supply Ponds Inlet and to establish two new posts, one at or near Cape Sabine, and one at Dundas Harbour, Lancaster Sound or further west on Bathurst or Cornwallis Island, and we are prepared to agree to the abandonment of the Craig Harbour post, if necessary, as a permanent post, leaving the buildings there to be used by future patrols, and distributing the men to some of the other posts.

All our efforts have been directed towards the carrying out [of] this programme, details of which are set forth in a memorandum (copy attached), covering a meeting²¹¹ with

²¹⁰ The *Franklin* did not reach Canada in time for the 1923 voyage because of a dockworkers' strike in England. Le *Franklin* n'atteint pas le Canada à temps pour le voyage de 1923 à cause d'une greve des débardeurs en Angleterre.

²¹¹ See/ Voir docs 297, 298.

Captain Bernier here early in May and approved of by the Minister as per Mr. Gibson's memoranda²¹² of May 9th and May 18th. (copies attached)

It should be borne in mind always that the maintenance of Canadian sovereignty was the real object in organizing the expedition originally, and it now remains to secure the co-operation of the Royal Canadian Mounted Police insofar as providing personnel and equipment for the two additional posts, so that the programme may be carried out in its entirety, this programme being merely the completion of the original plans for the expedition when it was first approved of in 1920. It would seem, from our point of view, that if it should become necessary to abandon any portion of the scheme, the Cumberland Sound post should be left until another year, or the Royal Canadian Mounted Police might be asked to endeavour to arrange to have their personnel and equipment for this post taken north by the Hudsons Bay Company boat.

O.S. Finnie
J.D. Craig

302.

Memorandum from Director, Northwest Territories and Yukon Branch, to Deputy Minister of the Interior

Note du directeur, Secteur des Territoires du Nord-Ouest et du Yukon, au sous-ministre de l'Intérieur

LAC/BAC, RG 85, vol. 268, file/dossier 1003-6

Ottawa, 20th June, 1923.

Memorandum:

W.W. Cory, Esq., C.M.G.,

Deputy Minister, Department of the Interior.

I had a telephone message from Colonel Starnes yesterday in which he stated he had another interview with the Minister of Justice, regarding the establishment of an additional post this summer, in the Franklin District.

The Police already have a building and equipment for one post, but Sir Lomer was unwilling to ask for funds for a further post this year.

The arrangement was that an attempt would be made to establish a post at Sabine. The only obstacle in the way would be the condition of the ice. Failing this they would then establish a post at Cumberland Gulf.²¹³

O.S. Finnie

²¹² See/ Voir doc. 298, footnote/ note en bas de page.

²¹³ Marginal note:/ Note marginale :
OK. W.W. C[ory]

Once again, ice conditions prevented the *Arctic* from reaching Cape Sabine in 1923. Once the Cumberland Sound (Pangnirtung) post was established, De nouveau, les conditions des glaces empêcherent l'*Arctic* d'attendre le cap Sabine en 1923. Seul le poste de la baie de Cumberland (Pangnirtung) fut créé.

303.
Letter from Vilhjalmur Stefansson to Prime Minister
Lettre de Vilhjalmur Stefansson au premier ministre
LAC/ BAC, MG 26 J-1, vol. 95, file/ dossier "1923 Stefansson"

London, July 10th 1923

To the Honorable W.L. Mackenzie King,
 Secretary of State for External Affairs,
 Ottawa.

Sir,

According to my conversation with you before leaving Ottawa, and according to the letters[†] received from the Deputy Minister of the Interior, the expectation was that my visit in England would not need to be over two weeks, and that I should be able to make the round journey from Canada and to Canada in a month. On arrival here, I presented my general ideas about the Arctic, and the special case of Wrangel Island to three Ministers Colonies, Admiralty and Air. These interviews I secured promptly, and they were satisfactory, but they led to conferences with various committees. At first it seemed that my main business was with the Secretary for the Colonies, but later I was informed that the decision would have to come from the Foreign Office, and could come only after exhaustive investigation, and, I understood, correspondence with other countries.

About ten days ago, when I had already been absent from Canada six weeks, I was informed over the telephone by the Foreign Office that I must not expect a decision within a week or two from that time. More recently I have been informed that the Foreign Office is unable to reach a decision at all and will shift the matter to the whole Cabinet. Yesterday I received the following letter:—

Air Ministry, July 7th 1923

Confidential

Dear Mr. Stefansson,

You will be glad to hear that I have arranged for the question of Wrangel Island to be discussed by the Cabinet in the near future. I cannot say exactly when the discussion will take place as the Cabinet agenda is at the present moment very full. Anyhow it looks as though we should be able to bring the question to a point in the comparatively near future.

Yours truly,

(signed) Samuel Hoare

From conversations with various persons familiar with Cabinet matters, I understand that it may well be anything from one to three weeks before the Cabinet reaches a decision.²¹⁴

²¹⁴ The Cabinet meeting was held on 25 July 1923. No final decision was taken, but it was clear that the Foreign Secretary, Lord Curzon, did not favour a claim to Wrangel Island. La réunion du Cabinet eut lieu le 25 juillet 1923. Aucune décision finale ne fut prise, mais il était clair que le secrétaire aux Affaires étrangères, lord Curzon, n'était pas en faveur d'une revendication de l'île Wrangel. See Voir TNA, CAB 23/46.

Since the Imperial Government seems to have concluded that the matter is one of considerable importance, and since I have always been of that opinion myself I consider it necessary for me to stay until everything is concluded.

V. Stefansson.

304.

Despatch from Secretary of State for the Colonies to Governor General

Dépêche du secrétaire d'État aux Colonies au gouverneur général

LAC/ BAC, RG 7 G-21, vol. 411, file/ dossier 10045

Downing Street,
20th August, 1923.

Confidential.

My Lord,

With reference to previous correspondence on the subject of Wrangel Island, I have the honour to transmit to Your Excellency, for the information of your Ministers, the accompanying copy of a despatch from the British Commercial Mission at Moscow regarding an article in the Russian newspaper "Izvestia" dealing with claims to the Island.

2. I take this opportunity to transmit copies of a Note on this subject from the Russian Soviet Agent in this country, dated the 25th of May, and of correspondence which took place with the United States Embassy in June.

I have the honour to be,

My Lord,

Your Lordship's most obedient,
humble Servant,

Devonshire.

Governor General His Excellency General the Right Honourable

Lord Byng of Vimy, G.C.B., G.C.M.G., M.V.O.,

&c., &c., &c.

Enclosure 1: Despatch from Acting Head of Commercial Mission of United Kingdom in Union of Soviet Socialist Republics to Secretary of State for Foreign Affairs

Pièce jointe 1 : Dépêche du chef par intérim de la mission commerciale du Royaume-Uni auprès de l'Union des républiques socialistes soviétiques au secrétaire d'État aux Affaires étrangères

Copy/ Copie

British Commercial Mission, Moscow.
July 16th, 1923.

No. 538.

My Lord,

I have the honour to report that the "Izvestia" of the 10th July publishes an article dealing with an alleged attempt of the Canadian Government to obtain possession of Wrangel Island, which was discovered one hundred years ago by the Russian Lieutenant Wrangel.

2. The article states that a report was received last March of the hoisting of the British Flag, while in May news reached Moscow of the arrival in London of a certain Doctor

Stefansson, leader of the Canadian Arctic Expedition, with the evident object of arranging the annexation of the island.

3. The Russian Government is stated to have the following grounds for claiming the island:-

- a) In 1910 the Russian Government had a large navigation mark fixed.
- b) When the survivors of a Canadian ship reached Wrangel Island, the Canadian Government applied to the Russian Government for assistance, thus indicating that they considered the island as belonging to Russia.
- c) The Russian Government declared its sovereignty over the island in a circular note²¹⁵ addressed to various governments in 1916.

Incidentally the writer remarks that the island is believed, in well informed circles, to contain gold deposits, and that this probably explains the desire of the Canadian Government to acquire possession.

In conclusion it is stated that the Soviet Government has every reason to maintain its rights and will not, of course, countenance this attempt of an agent of British imperialism to seize property which belongs to others.

I have &c.,

[William Peters]

The Right Honourable the Marquess Curzon of Kedleston, P.C., K.G.,
&c., &c., &c.

Enclosure 2: Note from Head of Trade Delegation of Union of Soviet Socialist Republics in United Kingdom to Secretary of State for Foreign Affairs

Pièce jointe 2 : Note du chef de la délégation commerciale de l'Union des républiques socialistes soviétiques au Royaume-Uni au secrétaire d'État aux Affaires étrangères
Copy/ Copie

LK/5918

M. Krassin, Official Agent of the Russian Soviet Government in Great Britain, presents his compliments to the Marquess Curzon of Kedleston, and begs to refer to the correspondence exchanged on the question of Wrangel Island.

As already pointed out, in 1921 a group of Canadians under the leadership of a Mr. Stevenson [Stefansson], landed on Wrangel Island, claiming to be a scientific expedition, and hoisted the British flag.

In 1922, Mr. Stevenson made another attempt to land on the island a second group of Canadians, but the ice prevented him from achieving his purpose. No doubt he will make another attempt to land this year, in order to remove from the island the party which he left.

It has already been brought to the notice of His Majesty's Government that this island is a Russian possession, and therefore, M. Krassin is instructed by his Government to approach the British Government requesting it to use its good services with the Canadian Government in order to put an end to these raids.

M. Krassin would like to add that his Government is adopting measures for the prevention in future of the violation of its sovereignty over the island in question.

[Leonid Krassin]

[London,] 25th May, 1923.

²¹⁵ Doc. 286, enclosures/ pièces jointes 2, 3.

Enclosure 3: Note from Chargé d'affaires, Embassy of United States in United Kingdom, to Secretary of State for Foreign Affairs

Pièce jointe 3 : Note du chargé d'affaires, ambassade des États-Unis au Royaume-Uni, au secrétaire d'État aux Affaires étrangères

Copy/ Copie

No. 793.

The American Charge d'Affaires presents his compliments to His Majesty's Secretary of State for Foreign Affairs and begs to refer to a memorandum²⁸⁶ dated September 2nd 1922, which was transmitted by the Embassy to the Foreign Office in regard to the status of Wrangell Island. In leaving this memorandum, the Foreign Office was informed that a statement of the views of His Majesty's Government regarding this matter would be welcomed, especially in view of the statement²⁸⁷ reported to have been made by the Canadian Minister of Munition and Defence in the Canadian House of Commons on May 13th [12th], 1922, indicating a possible intention on the part of the Canadian Government to assert ownership thereof. It was pointed out that in addition to possible claims by the United States or by Great Britain (for itself or on behalf of the Canadian Government), a claim to the Island had been put forward by Russia.

Since the communication of the memorandum referred to,²⁸⁸ informal inquiries have been made from time to time of the Foreign Office with the object of ascertaining, if possible, the views of the British Government in this matter. Inasmuch as the informal inquiries in question have been without result, and acting under fresh instructions²⁸⁹ from the Department of State, Mr. Post Wheeler now has the honour to renew the formal inquiry as to the position which His Majesty's Government may intend to assume in regard to the status of Wrangell Island.

[G. Post Wheeler]

London, June 4th, 1923.

²⁸⁶ Doc. 286, enclosure/ pièce jointe 1.

²⁸⁷ See: Voir doc. 286, enclosure/ pièce jointe 1, footnote, note en bas de page.

²⁸⁸ On receiving Wheeler's report of 11 April (see doc. 289, footnote), which forwarded a newspaper clipping about Stefansson's trip to England, the State Department had become more concerned about the matter. It was feared in Washington that Canada and Britain might take an official position on Wrangel Island without consulting the United States, and that such a position would not easily be altered.

Après réception du rapport de Wheeler le 11 avril (voir doc. 289, note en bas de page) qui arrivait avec une coupure de presse sur le voyage de Stefansson en Angleterre, le département d'État américain était devenu plus inquiet au sujet de la question. On craignait à Washington que le Canada et la Grande-Bretagne puissent prendre une position officielle sur l'île Wrangel sans consulter les États-Unis et qu'une telle position soit difficile à modifier.

See: Voir William Phillips to Post Wheeler, 17 May 1923, NACP RG 59, Manuscript 316, roll 77, file 861.0144-18.

**Enclosure 4: Letter from Secretary of State for Foreign Affairs to Chargé d'affaires,
Embassy of United States in United Kingdom**

**Pièce jointe 4 : Lettre du secrétaire d'État aux Affaires étrangères au chargé
d'affaires, ambassade des États-Unis au Royaume-Uni**

Copy/ Copie

Foreign Office, S.W.1.

June 11th, 1923.

No. A 3350/750/45.

Sir,

With reference to your note verbale No. 793 of the 4th instant, I have the honour to inform you that the question of the status of Wrangel Island is being considered in consultation with the other departments of His Majesty's Government concerned, and that a reply will be returned to your enquiry as soon as possible.

I have &c.,

(For the Secretary of State [Lord Curzon])

[G.R. Warner]

Post Wheeler, Esq.,

&c., &c., &c.

305.

Despatch from Secretary of State for the Colonies to Governor General

Dépêche du secrétaire d'État aux Colonies au gouverneur général

LAC/ BAC, RG 7 G-21, vol. 411, file/ dossier 10045

Downing Street,

25 August, 1923.

Confidential.

My Lord,

With reference to my Confidential despatch of the 20th of August, I have the honour to transmit to Your Excellency, for the information of your Ministers, the accompanying copies of telegraphic correspondence with His Majesty's Representative at Washington as to the attitude of the United States Government towards Wrangel Island.

I have the honour to be

My Lord,

Your Lordship's most obedient
humble servant,

Devonshire.

Governor General His Excellency General the Right Honourable

Lord Byng of Vimy, G.C.B., G.C.M.G., M.V.O.

etc., etc., etc.

Enclosure 1: Telegram from Secretary of State for Foreign Affairs to Charge d'affaires, Embassy of United Kingdom in United States
Pièce jointe 1 : Télégramme du secrétaire d'État aux Affaires étrangères au charge d'affaires, ambassade du Royaume-Uni aux États-Unis
Copy/ Copie

London, August 10th, 1923.

Wrangel Island. Please give me your views as to the American attitude towards this island. We have been considering whether we could properly put forward a claim to it, and although the United States Government have up to the present shown little interest in the matter, we think that they might allege prior occupation and base a counterclaim on this ground. How do you think the United States would view a claim on our part either with or without their having been first consulted?

[Curzon]

Enclosure 2: Decoded Telegram (Paraphrased) from Chargé d'affaires, Embassy of United Kingdom in United States, to Secretary of State for Foreign Affairs
Pièce jointe 2 : Télégramme décodé (paraphrasé) du chargé d'affaires, ambassade du Royaume-Uni aux États-Unis, au secrétaire d'État aux Affaires étrangères
Copy/ Copie

Washington, August 15th [1923].

Wrangel Island. In reply to your Lordship's telegram of August 10th my opinion is that any claim to the island put forward by His Majesty's Government would almost certainly be contested by the United States Government on the ground of prior occupation, whether they were first consulted by us or not.

My reasons for this opinion are[:]

(1) the publication in the "New York World" on the 12th instant of an article²²⁰ in which the various claims to the island are discussed and the statement is made that "the United States has a finger half-heartedly in the pie because it has a claim to priority of landing"

(2) The Air Attache [Malcolm Christie] who is now on his way back here from England has, I gather, stated that the United States are considering the possibility of creating an air base on Wrangel Island.²²⁰

²²⁰ Louis Weitzenkorn, "2-Year Drama of 4 Men in Arctic with 1 Woman Drawing to Close as Relief Ship Nears Wrangel Isle," *The World* (New York), 12 August 1923, p. 3S.

²²⁰ Some interest had been created in US naval circles (but not the State Department) when Stefánsson made a statement to the Navy Board on 7 May 1923. Stefánsson was evidently keeping his bets and preparing to champion an American claim to Wrangel Island if he could not convince the British to claim it. Ironically, this move backfired, convincing officials in London that the US would back up oppose a British claim.

La déclaration de Stefánsson au Navy Board le 7 mai 1923 suscita un certain intérêt dans les cercles de la marine américaine (mais non au département d'État). Stefánsson protégeait évidemment sa mise et se préparait à appuyer une revendication américaine de l'île Wrangel s'il ne pouvait convaincre les Britanniques de le faire. L'ironie de la chose c'est que ce geste se retourna contre lui, convainquant les responsables à Londres que les États-Unis s'opposeraient probablement à une revendication britannique.

See: Voir Stefánsson statement: déclaration de Stefánsson, SC, MSS 196, box 10, folder 10

(3) Finally the communications made to Your Lordship by the United States Government on September 27th 1922²²¹ and on February 6th²²² last show that they do take an interest in the question, although that interest may appear slender.

I consider that it would be difficult to avoid arousing suspicion if I tried to sound the State Department on the subject.

[H.G. Chilton]

306.

Memorandum for Prime Minister by Under-Secretary of State for External Affairs
Note à l'intention du premier ministre du sous-secrétaire d'État aux Affaires
extérieures

LAC/ BAC, MG 26 J-4, vol. 147, file/ dossier 1205

MEMORANDUM FOR THE PRIME MINISTER RE WRANGEL ISLAND.

I have read the accompanying Foreign Office confidential print (A 3956 750/45)²²³ on Wrangel Island, and also had the advantage of a discussion with the Acting Deputy Minister of National Defence [G.J. Desbarats] on the subject. It seems to be pretty well agreed upon all round that whatever interest or concern Canada may have in this island, is solely from an Imperial point of view — as a link in a chain encircling the globe. Wrangel Island, lying in the eastern hemisphere, is too distant from our shores and too difficult of access to be of any practical benefit to Canada, though in an Imperial scheme it might have its uses in a world wide development of British policy. The memorandum under consideration says:

“From a service point of view, the Air Staff do not consider that Wrangel Island can be of value at present, but from the point of view outlined in this memorandum, they feel that its retention would prove a valuable adjunct to the development of British air policy”.

The memorandum goes on to say:

“Any claim which might be put forward by His Majesty's Government would presumably be based (1) on priority of discovery by Captain Kellet; (2) on the present Canadian occupation”.

It is to be hoped that we can establish some better claim than that based on Captain Kellet's discovery, who never came within thirty miles of the island. Any claim that might be based on Canadian occupation can only apply to the expedition sent by Mr. Stefánsson under a Canadian, a Mr. Allan Crawford, which was not organized until the year 1921. It consisted of three or four men, who are still there, awaiting the arrival of a vessel sent to bring them home. This party of Canadians did little more than hoist the British flag, which, I am afraid, falls very short of that effective and continuous possession and occupation which, according to the text books, is essential to the successful maintenance of a valid claim to possession of heretofore unoccupied territory. There is this, however, to be said, that the

²²¹ Doc. 286, enclosure/ pièce jointe.

²²² See/ Voir doc. 289.

²²³ The British memo itself is dated 2 July 1923 and the print is dated 9 July. The memo reflected the fact that Stefánsson had to a large extent won over Leo Amery, the First Lord of the Admiralty, and Sir Samuel Hoare, the Air Minister. La note britannique comme telle est datée du 2 juillet 1923, et l'impression est datée du 9 juillet. La note indiquant le fait que Stefánsson avait, dans une large mesure, convaincu Leo Amery, le premier lord de l'Amirauté, et sir Samuel Hoare, le ministre de l'Air. See/ Voir LAC/ BAC, RG 25, vol. 2667, file/ dossier 9057-B-40.

British claim is at least as good as that of the United States, which seems to be of a very inadequate character. There remains the Russian claim, which apart from propinquity, seems to me about as shadowy as the others, in that I can find no evidence of continuous occupation on their part.

In conclusion, I adhere to my original opinion that any concern we may have in this island is limited by Imperial interests, and that any serious claim arising from occupation can only count from the year 1921. Mr. Stefansson's earlier claim by virtue of the crew of the *Karluk* having been wrecked and afterwards marooned there in 1914, has, on Mr. Stefansson's own admission, lapsed, though it is possible that while without value standing alone, it might be held to possess some slight cumulative effect as contributing towards the building up of a case. That, as I understand it, is the present position of affairs relating to Wrangel Island.²²⁴

J. Pope

Ottawa, 28th August, 1923.

307.

Despatch from Secretary of State for the Colonies to Governor General
Dépêche du secrétaire d'État aux Colonies au gouverneur général
LAC/BAC, RG 7 G-21, vol. 411, file/dossier 10045

Downing Street,
 13 September, 1923.

Confidential

My Lord,

With reference to my Confidential despatch of the 25th of August, I have the honour to transmit to Your Excellency, for the information of your Ministers, the accompanying copies of further correspondence²²⁵ regarding the ownership of Wrangel Island.

I have the honour to be,
 My Lord,
 Your Lordship's most obedient
 humble servant,
 Devonshire.

Governor General, His Excellency General the Right Honourable,
 Lord Byng of Vimy, G.C.B., G.C.M.G., M.V.O.
 etc., etc., etc.

²²⁴ On 1 September 1923 press stories revealed that the relief expedition had reached the island, and found that all the members of the original party, except the Alaskan seamstress, Ada Blackjack, were dead. Le 1^{er} septembre 1923, des articles dans la presse révélèrent que l'expédition de secours avait atteint l'île et trouvé morts tous les membres du groupe original, sauf la couturière de l'*Alaska*, Ada Blackjack.

²²⁵ The first enclosure is not printed, it is a despatch from H.G. Chilton in which Chilton summarized an article by Robert Bartlett. Bartlett wrote that before leaving Wrangel Island for Siberia in 1914, he did not have the British flag raised because he believed it was an American possession. La première pièce jointe n'est pas imprimée; il s'agit d'une dépêche de H.G. Chilton dans laquelle Chilton résume un article de Robert Bartlett. Bartlett avait écrit qu'avant de quitter l'île Wrangel pour la Sibirie en 1914, il n'avait pas levé le drapeau britannique parce qu'il croyait qu'il s'agissait d'une possession américaine.

See: Voir Bartlett, "Ownership of Wrangel Island," *Star and Globe* (New York) 9 August 1923, p. 16.

Enclosure 2: Note from Deputy Head, Trade Delegation of Union of Soviet Socialist Republics in United Kingdom, to Secretary of State for Foreign Affairs
Pièce jointe 2 : Note du chef de mission adjoint, mission commerciale de l'Union des républiques socialistes soviétiques au Royaume-Uni, au secrétaire d'État aux Affaires étrangères

Copy/ Copie

JB/7921.

M. Berzin, Assistant Official Agent of the Russian Soviet Government in Great Britain, presents his compliments to the Marquess Curzon of Kedleston, and begs to enclose a copy of a Note which has been handed by the People's Commissariat for Foreign Affairs to the Acting British Agent in Moscow, on the question of Wrangel Island.

[Jan Berzin]

[London,] 25th August, 1923.

Enclosure 3: Note from People's Commissariat for Foreign Affairs to Acting Head of Commercial Mission of United Kingdom in Union of Soviet Socialist Republics
Pièce jointe 3 : Note du Commissariat du peuple aux Affaires étrangères au chef par intérim de la mission commerciale du Royaume-Uni auprès de l'Union des républiques socialistes soviétiques

Copy/ Copie

[Moscow]

The People's Commissariat for Foreign Affairs presents its compliments to the Acting British Agent [William Peters], and wishes to state the following:—

In connection with reports in British newspaper[s] to the effect that an expedition led by Mr. Vilhjalmur Stefenson had raised the British flag on Russian territory, to wit: on the Isle of Wrangel in the Arctic Ocean, the Government of the Russian Federal Soviet Republic addressed itself to the British Government in a note²²⁶ of the 24th of May 192[2], asking to be informed as to whether this act had taken place with the knowledge and sanction of the British Government.

To this enquiry no reply has been forthcoming. Likewise there has been no reply from the British Government to a second note²²⁷ communicated by the Russian Government to the British Government on May the 28th, 1923, after the receipt by the Russian Government of additional information intimating that Mr. Stefenson in raising the British flag on the Isle of Wrangel, acted in the capacity of an agent of the Government of the Dominion of Canada.

The Government of the Union of the Socialist Soviet Republics, being wholly unable to understand the absence of the requested explanations, and having in the meantime learnt that new expeditions are being planned by British subjects to the Isle of Wrangel,²²⁸ finds it necessary again to state, that it regards the Isle of Wrangel as an integral part of the Union of the Socialist Soviet Republics.

²²⁶ Doc. 277, enclosure/ pièce jointe.

²²⁷ Doc. 304, enclosure/ pièce jointe 2.

²²⁸ Because the Canadian government refused to support a second relief expedition unless the authorities in London reached a favourable decision about Wrangel Island, Stefansson had made a public appeal for funds. Étant donné que le gouvernement canadien avait refusé de soutenir une deuxième expédition de secours à moins que les autorités à Londres en arrivent à une décision favorable au sujet de l'île Wrangel, Stefansson avait fait un appel public de financement.

The Isle of Wrangel was officially incorporated as Russian territory, and the Russian flag raised thereon, by an expedition organised by the Russian Government and led by Lieutenant Wrangel, in 1821-24.²²⁹ Russian sovereign rights to the island have never been questioned by any other government, and it has been generally looked upon as Russian territory. This position is taken by British Official sources as well, so for instance, the British official publication, "The Arctic Pilot", Vol. I, 3rd Edition 1918, admits that the Isle of Wrangel was discovered by a Russian expedition. It may also be noted that all geographic maps, including the British "Phillip's New General Atlas" Edition 1921, put down the Isle of Wrangel as Russian territory.

In the year 1910, The Russian Hydrographic Arctic Expedition, under the command of Vilkitsky, made measurements around the island, and built thereon an iron navigation pyramid for the guidance of ships seeking entrance to the southwest part of the island, this pyramid being the first and only erection on the island. Thus the Russian Government took concrete steps to assert its rights and its duties as the possessor of the territory.

Finally, in September 1916, the Russian Government formally notified²³⁰ all the Allied and neutral Governments that the Isle of Wrangel, together with other islands and territories adjoining the coast of Siberia, constituted an integral part of Russian territory. This notification elicited no objections on the part of any of the Governments so addressed, including the British Government.

Therefore, the Federal Government is compelled to notify the British Government that it regards the raising of the British flag on the Isle of Wrangel as a violation of Russian sovereign rights.

308.

Despatch from Secretary of State for the Colonies to Governor General

Dépêche du secrétaire d'État aux Colonies au gouverneur général

LAC/ BAC, RG 7 G-21, vol. 411, file/ dossier 10045

Downing Street,

17 September, 1923.

Confidential.

My Lord,

With reference to my confidential despatch of the 13th of September, I have the honour to transmit to Your Excellency for the information of your Ministers, a copy of a telegram to His Majesty's Representative at Moscow relative to the relief expedition sent to Wrangel Island.

I have the honour to be,

My Lord,

Your Lordship's most obedient,
humble servant,

Devonshire.

Governor General His Excellency General the Right Honourable

Lord Byng of Vimy, G.C.B., G.C.M.G., M.V.O.

etc., etc., etc.

²²⁹ See/ Voir doc. 221, footnote/ note en bas de page 35.

²³⁰ Doc. 286, enclosures: pièces jointes 2, 3.

Enclosure: Code Telegram from Secretary of State for Foreign Affairs to Acting Head of Commercial Mission of United Kingdom in Union of Soviet Socialist Republics

Pièce jointe : Télégramme codé du secrétaire d'État aux Affaires étrangères au chef par intérim de la mission commerciale du Royaume-Uni auprès de l'Union des républiques socialistes soviétiques

Copy/ Copie

[London,] September 1st, 1923.

No 175.

Your telegram† No. 185 [23 August]. Inform Soviet government that Captain Noice's expedition to Wrangel Island is a private one organized by Mr. Stefansson for the purpose of rescuing Mr. Crawford and his party,²³¹ that the question of ownership of the island is not thereby raised, and that any attempt to interfere with the relief expedition would be viewed most seriously by His Majesty's Government.

309.

Memorandum from Air Attaché, Embassy of United Kingdom in United States, to Chargé d'affaires
Note de l'attaché de l'aviation, ambassade du Royaume-Uni aux États-Unis, au chargé d'affaires
TNA, FO 371/8517

WRANGEL ISLAND.

MEMORANDUM TO H.G. CHILTON, CHARGÉ D'AFFAIRES.

Referring to F.O. cable† No. 260, at your request I have made one or two private enquiries amongst Army and Navy officers, one of whom had been recently in personal touch with Stefansson both here and in London, and I gained the impression that British-Canadian claims to Wrangel Island are considered very weak. Apart from the earlier landing of the U.S.S. "Corwin". American whalers are stated to have used the Island from time to time in recent years[;] the fact that Stefansson's party of occupation consisted of 3 Americans and one Canadian is also being emphasised. One informant indicated to me that suggestions had been made within U.S. Navy circles that the British-Canadian claim should be supported in return for the occupation of certain small islands outside the Treaty Zone in the Pacific by the U.S.A. which might be of strategic value to the U.S. Navy, but that this scheme had not materialised owing to the attitude of the Japanese. Apart from any political considerations, the opinion was freely expressed that Wrangel Island from the geographical aspect obviously belongs to Russian Siberia.

I have gained the impression from my conversations that the U.S. Government would contest a British-Canadian claim. [though it] would not, however, press its own case, but would probably support Russian sovereignty. I imagine U.S. Naval officers, who still harbour suspicion of cooperative intentions on the part of Great Britain with Japan against the U.S.A. in case of war, would probably point out the threat which a British Air Base established on Wrangel Island would present against American Naval Bases and wireless

²³¹ In fact, Stefansson had instructed Noice to leave a new party on Wrangel, in order to continue what he now referred to as his colonization of the island. He believed that doing so would bring the Foreign Office around to his way of thinking. En fait, Stefansson avait donné pour instructions à Noice de laisser un nouveau groupe sur Wrangel afin de poursuivre ce qu'il appelait sa colonisation de l'île. Il croyait que ceci amènerait le Foreign Office à adopter sa ligne de pensée.

See/ Voir Stefansson to Alfred Taylor, 2 September 1923, SC, MSS 98, box 9, folder 13.

stations in Alaska, the Aleutian Islands, and against the operations of the U.S. fleet in the North Pacific ocean.

It is not unlikely that the incident might be followed by American occupation of some other island to the immediate North of the Canadian Dominions, for instance, in the neighbourhood of the Parry Islands. In this connection, General Mitchell once dropped the remark to me that one of the American Geographical Societies had proposed a scheme to him for a survey of the Arctic Islands in the North of Canada by aircraft.

M. Christie
Group Captain,
Air Attaché.

Washington, 21/Sept/23.

Minutes/ Notes

The Air Attaché thinks that the U.S.G. will support the Russian claim []

R.I. Campbell 29.9.23

Canada would presumably be glad if the U.S. supported the Russian claim on geographical grounds, as she could use the precedent to some purpose to claim territory in the North of the Dominion.

G.R. Warner Oct 1.

This should be borne in mind when the subject is mentioned to Canadian Ministers [at the Imperial Conference]. [...]

R. Sperling 1/10

310.

Report from Officer in Charge of Eastern Arctic Patrol to Director, Northwest Territories and Yukon Branch, Department of the Interior

Rapport de l'officier responsable de la patrouille de l'Arctique oriental au directeur, Secteur des Territoires du Nord-Ouest et du Yukon, ministère de l'Intérieur

LAC/ BAC, RG 85, vol. 602, file/ dossier 2502

Belle Isle Strait, September 29, 1923.

Mr. O.S. Finnie,

Director, N.W.T. & Y. [Branch],

Department of the Interior, Ottawa.

Dear Sir:

This will confirm my code telegram of the 23rd instant reading as follows:

"Since leaving Greedy [Harbour] called Godhavn July 30th Danes extended splendid hospitality[:] Craig harbour August 6th[:] Utah 8th MacMillan there five hours before us. Impossible establish Sabine [on] account [of] ice as delay might endanger possibility [of] completing trial this year. Craig harbour again 12th[:] Dundas [Harbour] 15th[:] Beechey island 17th[:] Stratheona sound 19th[:] Ponds Inlet 21st[:] Button Point 23rd[:]"

A copy of this document was forwarded to Ottawa in Une copie de ce document fut transmise à Ottawa dans Devonshire to Byng, 12 October 1923, LAC/ BAC, RG 7 G-21, vol. 411, file: dossier 10045

Ponds 24th. Trial²³³ ended 30th, Nukoodlah ten years Manitoba penitentiary. Oo-roo-re-ang-nah two years' close confinement Ponds. A-tee-tah acquitted general effect trial most beneficial. Jakeman Tradgold [Tredgold] Fairman aboard with prisoner for penitentiary please advise Commissioner Police. Took ten native families [to] Arctic Bay and Canada Point September 2nd[:] left Ponds 3rd[:] arrived Cumberland 11th left 22nd established post Pangnirtung Fiord [near] headquarters Hudsons Bay Company. Buildings completed. Belle Isle about October 2nd Quebec 10th. Official surveys post sites made Craig harbour, Dundas, Strathecona, Ponds, Salmon River, Pangnirtung. If newspapers advised now by head office [about] results [of] cruise and trial would certainly simplify matters [on] our arrival [at] Quebec. Would appreciate stenographer meet ship Father Point or Quebec much correspondence and writing regarding stores to be done. Harold Reilly preferred. Burwash at Pangnirtung. Please advise regarding newspapers and stenographer. All well."

[...]

At Godhavn, we were fortunate enough to meet the "Islands Falk", an inspection ship or light cruiser of the Royal Danish Navy. We were entertained by the Government Agent, Mr. Knudsen, and by Dr. Porsild, and in the afternoon on the "Islands Falk." In the evening, we invited the white population on board the "Arctic," and showed them the pictures of our last season's work. Included in the party were Dr. Lauge Koch [Koch], an ex-member of one of Rasmussen's expeditions, now geologizing in northern Greenland for the Danish Government, and Captain Peterson and his First Officer, of one of Rasmussen's ships. Incidentally it was reported that the Government has bought out Rasmussen and will continue his station at North Star Bay. It was a wonderful opportunity to tell our story unofficially and impressively, and indirectly to the Danish Government, and the Danes were duly impressed as we knew by their comments. They were most hospitable in every way and said they would be glad to see us every year. They also supplied the dogs and kamiks asked for by the R.C.M.P.

We had intended going direct from Godhavn to Ponds Inlet so that the trial might be held while we were attending to our work farther north. Mr Rivet, however, asked that we attend to our northern work first, partly so that he might be able to see more of the country, and partly so that the "Arctic" might remain at Ponds Inlet during the trial, the ostensible reason for this being that a jury might be selected from among the officers and crew of the ship. After consultation with Captain Bernier, I decided to change our plans as it did not appear that it would cause any undue delay, and we went to Craig Harbour, picked up Mr. Wilcox and his men and proceeded north.

We saw MacMillan at Etah and exchanged visits with him. He was, apparently, undecided as to where he would locate for the winter and as he was in Danish territory at the time we, of course, had no right to question him closely. He said he had thought of staying at or near Cape Sabine, where he wished to go to erect a tablet to the memory of the men of Greeley's party who perished there, the tablet having been furnished, I believe, by the National Geographic Society. On the other hand he might stay at Pandora Harbour, a short distance south of Etah. He had reached Etah only a few hours before us after having been out towards Sabine, where he reported the ice solid and heavy. Incidentally, in spite of his wonderful advance press notices, we were able to inform him of President Harding's death, which had occurred some few days previously, and of which he had not heard.

²³³ The trial of three Inuit for the murder of Robert Janes. / Le procès de trois Inuits pour le meurtre de Robert Janes.

Judging from the avidity with which he perused our more recent daily bulletins, he was not getting much news on his own ship.

We stayed at Etah only long enough to enable Mr. Wilcox to engage the only two Eskimo families then there to accompany him to Cape Sabine, or to Craig Harbour if we should be unable to reach the Cape. MacMillan was most obliging and acted as interpreter in this affair, thus making it very easy for Mr. Wilcox, as the Eskimos were some of Peary's old natives.

We met heavy ice just outside of Etah and worked our way through it until blocked. The next day we were able to make a few more miles and were actually at one time a few miles north of Cape Sabine, though several miles off shore when blocked again. The ice was very heavy, being Kane Basin ice, and in very large fields, with absolutely no open water to be seen to the northward from the masthead. Observation convinced Captain Bernier that the ice between us and Cape Sabine was last winter's ice, and that the harbour had not yet opened for this year. Our position was not without risk, especially if the great fields should start to "roll" along either shore and nip us. After studying the situation for thirty-six hours, Captain Bernier asked to be allowed to turn back to open water. I suggested another twenty-four hours' wait, but the Captain demurred, and when I suggested waiting at Etah, he said we might easily be held there for a week or more if the ice moved south and a southwesterly wind should spring up. After talking the matter over with Mr. Wilcox, we decided that we could not take the responsibility of going contrary to Captain Bernier's opinion, and I reluctantly gave the order to retreat as any undue delay at Etah might have rendered it impossible to complete the trial at Ponds Inlet this season.

I believe the establishment of the detachment at Cape Sabine is a season's work for one ship, that is to say, the ship should get north as early as possible and should remain at Etah or at one of the other harbours until an opportunity offers of crossing to Cape Sabine. The season there is so short and so uncertain as to date that it is only by the merest chance that a ship would happen along and find conditions favorable.

Calling again at Craig Harbour, we proceeded west in Lancaster Sound so that Mr. Wilcox would have a better idea of that part of the country when the question of additional posts has to be considered. We made a survey at Dundas Harbour, called at Lebus Harbour (Beechey Island) where we saw what still remains of the relics of the Franklin search expeditions and the cenotaph erected by them. Captain Bernier's cache, established in 1906, had been broken into, presumably by Eskimos, and had practically disappeared. His records, however, were recovered, and new ones substituted.¹⁰² We then proceeded to Ponds Inlet, making en route a survey at a fine little point in Strathecona Sound.

At Ponds Inlet, the trial took several days, a jury being selected from among the officers and crew of the "Arctic." The court was conducted strictly according to regulations in every way, the judge and lawyers in gowns, constables in full uniform, etc., and was altogether very impressive. The sentences were imposed after a strong address by the judge and were generally approved of as being most just and satisfactory. The Eskimos were much impressed by the proceedings, and the judge addressed a mass meeting after the trial and with the aid of Mr. Duval, the interpreter, read them a lesson on the advantages of British Citizenship.

Nukoodlah, the prisoner for the Manitoba penitentiary, is aboard in charge of Corp. Jakeman, and Consts. Fairman and Treadgold, and I presume they will receive instructions

¹⁰² See Vol I AC, BAC, RG 85, vol. 608, file dossier 4097. The original Low, Bernier, and Craig notes from Beechey Island are in this file. Ce dossier contient les notes originales de Low, Bernier et Craig retrouvées sur l'île Beechey.

at Quebec from Colonel Starnes. It would appear that special instructions should go to the penitentiary regarding the prisoner particularly as to the temperature of his cell, his clothing, and food and tobacco. I will consult you personally about this.

At Ponds Inlet, we found Dr. Mathiasson, a naturalist and archaeologist of Rasmussen's party. He confirmed the news of the disbanding of the party, and stated that Rasmussen is heading westward, as reported, for Herschell Island, and the other members of the party are returning home by various other routes. Dr. Mathiasson arrived in Ponds Inlet late in May from Igloolik, and was much surprised to find a Police post there, but reported himself immediately and his papers were found to be satisfactory. Since arriving there he has been digging up some of the old Eskimo igloos, of which there are many there, and is taking home some 1500 archaeological specimens. He spent last winter on Southampton Island and is taking home many specimens from there also. He has mapped a great deal of unmapped or poorly mapped country at the southerly end of Admiralty and Navy Board Inlets, and has furnished me with preliminary copies of his maps. Sergeant Joy stated that the Doctor was absolutely astounded to hear that we had a Police post on Ellesmere Island. Freuchen, Rasmussen's partner, is coming north to Cape York this winter via Sabine, and Dr. Mathiasson has sent word to him to go north via the west coast of North Devon and by way of Craig Harbour, where he will find the police. It is anticipated that, with the help of their Etah Eskimos, the Police there will make a patrol to Sabine in the spring, more especially if Freuchen calls as expected, and we will then have absolute knowledge as to MacMillan's activities during the winter.

Dr. Mathiasson is returning home by the "Nascopie" and may reach Ottawa before I do, as the ship is due in St. Johns on the 6th. Dr. Jenness of the Geological Survey will know of his arrival in case you wish to get into touch with him. He is a fine type of man, technically skillful and physically strong and unafraid of hard work. I believe we will make but little progress in our own work of development in the North until we develop a similar type amongst our own young active brainy men. I have given this matter a lot of thought and think it should be taken up with the universities, after consultation with Dr. Camsell, so that we may be [able to] offer some sort of a guarantee to promising men of a certain number of years' work at an attractive salary. The "Arctic," when her days of usefulness as a supply ship are over, will make an ideal moveable headquarters for scientific and other investigational work, and should undoubtedly be retained by us as such.

En route to Cumberland Gulf we passed the Nascopie, and upon enquiry Mr. Parsons advised me by wireless that they had decided to enlarge their post at Pangnirtung, making it their headquarters for the Gulf, keeping Kekerton, Blacklead and Kingua as sub-posts. Incidentally, as they had originally intended to establish their headquarters post at Netchilik, all the supplies were marked thus and the post appears as Netchilik in their official list, although Netchilik proper is across the Gulf to the south. Mr. Wilcox, after deciding to build at Pangnirtung, called his post office accordingly, and doubtless the Hudson's Bay Company will change the name of their post to agree.

We were delayed at Pangnirtung by the fact that we could land supplies only at or near high water, and in addition we had had considerable boiler trouble and the Chief Engineer needed several days for repairs. We also took on 100 tons of ballast there, a very slow and tedious operation. Since leaving there we have made remarkably good time and are in the Strait of Belle Isle this morning.

The Police activities of the year show up very creditably indeed, and are, of course, the subject of special reports† from Mr. Wilcox to Colonel Starnes. The post at Craig Harbour, particularly, is very attractive and a credit to the force. Our wireless operator set up one of their receiving sets there, and, with a temporary aerial, was in touch with Germany, France

and Italy inside of an hour. These sets should prove to be valuable additions to the police equipment at the various posts.

Our own wireless equipment has again proved very unsatisfactory and disappointing partly on account of poor and irregular power, and partly on account of poor installation particularly as to insulation.

Major Burwash stayed with the Police at Pangnirtung and expects to visit the interior of Baffin Island, and various other points during the winter and spring. We were able to let him have a fairly complete outfit and supply of provisions. He will no doubt have reported to you direct.

Mr. Soper has had a fairly successful season, being especially fortunate in having two complete days at Craig Harbour and nearly two weeks at Ponds Inlet. Mr. Henderson has done a great deal of work as appears from the surveys mentioned in my telegram. He has also acted as librarian throughout the voyage.

The moving picture projector has been of inestimable value. The showing of our last year's pictures in Godhavn alone was well worth the outlay, and we also showed them to MacMillan and his men at Etah. We also had several showings of our own films and of the Trade and Commerce travelogues for the Police on board and had two Eskimo audiences on deck. At Ponds Inlet we "showed" to 120 Eskimos and at Pangnirtung to about 90. As none of these had ever seen moving pictures before, the results were most interesting and surprising. They were intensely interested in everything from the white man's land, and they are even now looking forward to next year's "show."

Dr. Livingstone has medically examined all the natives he could reach at Ponds Inlet and Pangnirtung, about 225 in all. Those examined at Ponds Inlet were found to be remarkably healthy, while those at Pangnirtung were not in such a satisfactory condition. To the ordinary observer it appeared also that the former were of a much more happy disposition.

The relations between Mr. Wilcox, Captain Bernier and myself have again been most cordial, as also they have been with the judicial party, and it has been a pleasure to have our numerous passengers with us. At one time, going from Button Point to Ponds Inlet, we had on board, roughly, 45 white people, 60 Eskimos and about 80 dogs. After the trial, at the request of Mr. Wilcox, we took nine Eskimo families to Canada Point and Arctic Bay. These were some of the witnesses and their families who otherwise would have been on the hands of the Police during most of the winter. The Hudsons Bay Company agreed to take care of the balance. En route to Arctic Bay, the ship, as may well be imagined, was well crowded.

I expect to be obliged to remain in Quebec for two or three days but will report in Ottawa as soon as possible. I trust that you will be able to send me a stenographer, preferably to meet me at Father Point, as there is considerable work to be done, with more in sight in Quebec in connection with the listing and storing of our supplies.

Yours sincerely,

J.D. Craig

311.

Memorandum from Officer in Charge of Eastern Arctic Patrol to Director,
Northwest Territories and Yukon Branch, Department of the Interior
*Note de l'officier responsable de la patrouille de l'Arctique oriental au directeur,
Secteur des Territoires du Nord-Ouest et du Yukon, ministère de l'Intérieur*
LAC/BAC, RG 85, vol. 1124, file/dossier 1005-5-1

Ottawa, 24th October, 1923.

Memorandum:

Mr. Finnie.

I have looked over the correspondence regarding the occupation of Wrangel Island. in accordance with your request in your memorandum† hereunder.

The possibility referred to by one of the American Naval Officers, of American occupation of one or more of the Parry islands,²³⁵ is exactly in line with our ideas expressed in various memoranda and reports that if official recognition is given by either Canada or Great Britain to Stefánsson's private occupation of Wrangel Island, the United States could immediately retaliate by occupying one, or more, of our Arctic islands, which at present are not entirely within the sphere of influence of any of our police posts.

While our plans for next season are at present only tentative Mr. Wilcox and I have agreed to recommend for next year another attempt to establish a post at Cape Sabine, with the alternative of establishing a post on the south coast of North Devon or farther to the westward, if circumstances seem to indicate that a post should be necessary there. It seems better not to issue definite instructions for the establishment of a post at any particular point as ice and weather conditions in the north are such that considerable latitude should be given to the officers in charge as to where a post should be located.

If arrangements are made during the winter to establish a post at Cape Sabine or at some point on Cornwallis Island or Melville [Bathurst?] Island the main effort could be made to establish the latter post next year, if circumstances should arise in the meantime to make it desirable.

I would suggest that copy of this last despatch† from the Secretary of State for the Colonies, to the Governor General, under date of October 12th should be sent to Colonel Starnes so that he will be prepared for the suggestion that a post should be established to the westward of Lancaster Sound. You may remember that last year Colonel Starnes did not appear to be in sympathy with the proposal to establish a post in that district as he considered it rather too difficult to reach.

I expect that Captain Bernier will be in Ottawa shortly when our itinerary for next year will be thoroughly discussed.

J.D. Craig

²³⁵ See/ Voir doc. 309.

312.

Letter from Director, Northwest Territories and Yukon Branch, Department of the Interior, to Commissioner, Royal Canadian Mounted Police

Lettre du directeur, Secteur des Territoires du Nord-Ouest et du Yukon, ministère de l'Intérieur, au commissaire, Royale gendarmerie à cheval du Canada

LAC/ BAC, RG 18, vol. 3183, file/ dossier G-804-5-25

Ottawa, 24th October, 1923.

Dear Sir,

For your information I enclose a copy of the confidential despatch from the Secretary of State for the Colonies, to the Governor General, dated the 12th instant, together with the enclosures referred to therein.

In Captain Christie's memorandum²³⁶ it is set out that if the occupation of Wrangel Island, by Stefansson, was recognized by the British or Canadian authorities it is possible the incident might be followed by American occupation of some other islands to the immediate north of the Canadian Dominions, as for instance one of the Parry Islands.

You will remember that Mr. Craig and myself, last season, urged that a station be placed on one of the Parry Islands, particularly naming Bathurst or Cornwallis.

It was not practical to do it this year but I think another season we should endeavour to occupy one of these islands. From the enclosed despatch it would appear that this is urgent and necessary.

We will discuss this matter in further detail with you upon the arrival of Captain Bernier next week.

Yours truly,

O.S. Finnie
Director.

Colonel Cortlandt Starnes,

Commissioner, Royal Canadian Mounted Police,
Ottawa.

313.

Letter from Director, Northwest Territories and Yukon Branch, Department of the Interior, to Commissioner, Royal Canadian Mounted Police

Lettre du directeur, Secteur des Territoires du Nord-Ouest et du Yukon, ministère de l'Intérieur, au commissaire, Royale gendarmerie à cheval du Canada

LAC/ BAC, RG 18, vol. 3307, file/ dossier 1924-HQ-1046-G-1

Ottawa, 21st November, 1923.

Dear Colonel Starnes,

I am enclosing in duplicate a copy of a letter dated the 8th instant from Mr. A. Brabant, the Fur Trade Commissioner of the Hudson's Bay Company.

You will observe Mr. Brabant is of the opinion that alien traders and trappers are allowed access to the N.W.T. without payment of sufficient fees or taxes. He is of opinion that the Canadian and British trappers and traffickers are discriminated against. Our fees

²³⁶ Doc. 309.

for alien hunters and trappers also traders and traffickers are today three times what they formerly were. For instance the Hudson Bay Agent at Herschel Island will pay a license fee of \$5.00 for trading and trafficking whereas the fee for the same privilege to a non resident alien will be \$300.

Reference is also made to income tax. We have already taken this question up with the Commissioner of Taxation and all those aliens and others carrying on business in the N.W.T. will be requested to make out their income tax returns the same as those living on the outside and will be required to pay the necessary tax. There are penalties provided for failure to do this and if the tax is not paid we will not issue a further hunting or trafficking license.

No doubt you will be requested to assist in the collection of income taxes so that your officer at Herschel will have a full knowledge of those who have made income tax returns and those who have not.

Mr. Brabant also refers to customs and other matters which you control in the North. I thought it might be advisable to send a copy of Mr. Brabant's letter to Inspector Wood and ask him for a report on the whole situation. If the matters complained of are justified and we can adjust them we will be very glad to do so.

The matter of fur export tax will be taken up very soon and an Ordinance submitted which will become effective in November, 1924.²³⁷ After that date the Government will receive a revenue on all furs exported from the N.W.T. We do not think it advisable to bring in this tax before that date for the reason that proper notice could not be given and forms furnished to the isolated districts.

If you would ask Inspector Wood for a report on this whole matter with recommendations, we would greatly appreciate it.

Yours truly,

O.S. Finnie,
Director.

Colonel Cortlandt Starnes,
Commissioner, R.C.M. Police,
Ottawa.

²³⁷ See/ Voir LAC/ BAC, RG 85, vol. 1385, file/ dossier 405-2.

Enclosure: Letter from Fur Trade Commissioner, Hudson's Bay Company, to
 Director, Northwest Territories and Yukon Branch, Department of the Interior
 Pièce jointe : Lettre du commissaire à la Traite des fourrures, Compagnie de la Baie
 d'Hudson, au directeur, Secteur des Territoires du Nord-Ouest et du Yukon,
 ministère de l'Intérieur
Copy/ Copie

Winnipeg, November 8th, 1923.

Sir:

NORTH WEST TERRITORY: WESTERN ARCTIC
 AMERICAN TRADERS

When the Company's ship, "Lady Kinderslev" arrived at Herschel Island this summer, Capt. O'Kelly, who was the Company's representative on the vessel, had the pleasure of meeting Mr. Justice Dubuc and Mr. T.L. Cory of the Department.¹⁰

I understand that matters connected with the Northwest Territories were discussed, and that Mr. Cory expressed the opinion that some of the points mentioned were worthy of being brought to your notice, and suggested that Capt. O'Kelly take steps to do this on his return to Vancouver. It is a pleasure to learn that Mr. Cory took so great an interest in the affairs and conditions of Western Arctic, and as a memorandum¹¹ of the several points touched [upon], has been given me it is deemed advisable that Mr. Cory's advice should be acted upon and the points in question communicated to you.

Before proceeding any further it is well to mention that the question of American competition is approached without prejudice or any desire on behalf of the Hudson's Bay Company to eliminate legitimate competitors, and it is also believed that when the Canadian Government realize the prevailing conditions, legislation will be enacted which will at least place Canadian enterprise and Canadians generally, on an equal footing with Americans in the Western Arctic.

Taking the economic side of the question, we find that an established Canadian Company complies with the following:

1. Pays Customs duty on all goods imported into Canada.
2. Pays a Sales Tax on all goods purchased in or imported into Canada.
3. Pays Income tax on the profits of the business.
4. Pays a trading license for every trading establishment maintained.
5. All employees pay Income tax.

The American trader carries on business in Western Arctic under the following conditions:

- (a) Does not maintain any establishment.
- (b) Pays Customs only on the goods he declares as having been sold from his ship
- (c) Pays a Ship's trading license only.

¹⁰ Dubuc and T.L. Cory were at Herschel Island for the trial of A'Koomak and Tatumagait, who were accused of several murders; the victims included Constable W.A. Doak of the RCMP. Dubuc was the judge and Cory was the counsel for the defence. Both of the accused were found guilty and hanged.

Dubuc et T.L. Cory se trouvaient à l'île Herschel pour le procès d'A'Koomak et de Tatumagait, qui étaient accusés de plusieurs meurtres; les victimes incluaient le constable W.A. Doak de la RGCC. Dubuc était le juge et Cory l'avocat de la défense. Les deux accusés furent trouvés coupables et pendus.

See: Voir Ken S. Coates and et William R. Morrison, *Strange Things Done: Murder in Yukon History* (Montréal and Kingston: McGill-Queen's University Press, 2004), ch. 6.

It will be readily seen that the Canadian treasury derives little benefit from the American trader in comparison with the Canadian who has vested interests in the country, and from the economical viewpoint alone, this merits immediate action by the government.

Then again, in order to facilitate American business and trade, a member of the R.C.M.P. is placed aboard the ship for the purpose of keeping a check on all goods sold, so that the Customs' duties on these articles may be levied. As trading is carried on night and day, it is obvious that the trader's statement regarding sales must be accepted, while at the same time the presence of an officer of the R.C.M.P. on board gives the natives and others, the impression that the American vessel is in high favour with the government.

The matter does not end here. American vessels bring Alaskan natives into Canadian territory and outfit them for trapping. American white trappers are also brought in. There is no competitive trading in these instances. A hard and fast bargain is made so that the furs cannot be disposed of other than to the American vessel, and it is very doubtful if the goods supplied in these cases are declared for Customs duties.

The Alaskan natives and white trappers generally remain on Canadian territory two or three years, at the end of which time they are taken back to American territory where the gains from their trapping are spent - the furs, in the meantime pass into the American markets.

This year the following American vessels carried Alaskan natives, outfitted them, and left them on Canadian territory to trap.

"Arctic"	—	Liebes & Co.
"Letty"	—	" "
"Oillie Fjord"	—	Captain Pedersen.
"Duxbury"	—	of Nome.

The "Letty" and "Duxbury" are wintering in, and the white men connected with the vessels will of course, trap and trade.

There are few, if any, Canadian or British born white trappers in the Western Arctic, and almost without exception they may be stated to make several thousand dollars annually, as, in addition to trapping, with the outfits with which they are supplied from the trading ships, they are enabled to do considerable trading. As both money and furs go back to the States it will be seen by referring to items 1-5 and a-c before mentioned, that Canada is receiving practically no benefit from either the American trader or trapper, as the trapper, like the trader, does not pay income, or any tax whatsoever, a small fee for a trapping license being the only contribution made.

An instance or two may here be given for the purpose of shewing the extent of the combined trapping and trading carried on by Americans.

Charles Klingenberg, who was outfitted principally from Liebes & Co., of San Francisco, has about \$75,000.00 worth of furs at present in the country, owing to being unable to meet Liebes this year.

Marten Andersen who died at Stayplton Bay, had furs which were sold to Captain Pedersen on Herschel Island for \$34,770.00.

P. Wyant sold furs to Captain Pedersen to extent of about \$10,000.00.

P. Steen sold furs for a similar amount.

Others could be mentioned, but the above are sufficient to shew that a considerable amount of business is being done by Americans, in the interest of Americans, and the United States only.

It may be stated here that a Canadian cannot buy or trade in any way in Alaska without incorporating as a Company under Alaskan laws, and thus made to contribute by means of taxes to the treasury.

As an instance of this, the Hudson's Bay Company had an American buying furs in Alaska on a commission basis. The fur buyer's license was purchased in the usual manner and the taxes on the furs paid, but the Alaskan government state that in order to do this the Company should have been registered in Alaska, and they now demand execution by the Hudson's Bay Company of complicated government forms, declaration of the Hudson's Bay Company's Capital and other similar data, and further, the payment of fees and taxes which would have been levied had we so registered. Although the man has been withdrawn, the Company is now obliged to execute these U.S. government forms and is paying the amount claimed to avoid unpleasant controversy.

In addition to the economic side there is the fur industry as a whole, to be considered. The encouraging of American natives and American white trappers to exploit the Canadian Western Arctic can only have one result, namely, a steady decline of game and fur-bearing animals. The alien trapper is there to get all he can in a short time and wherever he locates that area is carefully trapped out.

The matter of conserving Canadian natural resources has been of moment to the Canadian government for some time, but this northern portion of Canada appears to have escaped notice. It is evident to those with intimate knowledge of the country, that if present conditions are allowed to continue, it will only be a short time before the country is entirely under the control of Americans, the Canadian Eskimo deprived of his birthright, and the fur and game animals depleted to a ruinous degree.

The Company will always be very glad to cooperate with the Department and to give every possible assistance respecting the protection of game and fur-bearing animals and the welfare of Canadian natives.

If the extension of farming settlements continues in the future as in the past, it will only be a comparatively short time before Canada's northlands will be the only part of the country where fur-bearing animals can thrive, and it may be said with equal effect - Canadian natives also.

It will give the Company much pleasure to know that your interest will be centred in remedying present conditions in Western Arctic and that the results of your efforts will be evident in the very near future.

Yours faithfully,

[A. Brabant]
Fur Trade Commissioner.

O.S. Finnie, Esq.,
Director of Northwest Territories,
Department of the Interior, Ottawa.

314.

Memorandum by Officer in Charge of Eastern Arctic Patrol
Note de l'officier responsable de la patrouille de l'Arctique oriental
LAC/BAC, RG 85, vol. 268, file/ dossier 1003-6

Ottawa, 27th November, 1923.

Memorandum:

For File.

Mr. Finnie and I called on Colonel Starnes on the 23rd instant to discuss with him the establishment of R.C.M.P. Posts in the north during the coming summer.

After some discussion Colonel Starnes agreed to insert in his estimates an item covering the establishment of two new posts and sufficiently large to resupply the posts already established in the north. Tentatively it was agreed that the posts to be established should be at Cape Sabine and at some point to the westward of Erebus Harbour, possibly on Bathurst or Cornwallis Island. It was also suggested that, in case it was again found impossible to establish Cape Sabine, the supplies and equipment for this post should be left cached at Dundas Harbour. The selection of the location for the westerly post will be left to the discretion of the Officer in charge of the Expedition, the Captain of the ship and the Inspector of the Police for the district, who will doubtless be influenced by ice and weather conditions next summer. It was also suggested that a building of 30 X 15 ft. would be sufficiently large for a three man post, instead of the 20 X 40 building supplied for the posts established up to date. Colonel Starnes, however, did not agree with this as he considered the larger building none too roomy or comfortable for three or four men, who are compelled to live in it practically throughout the year. He, however, agreed to specify in ordering the new buildings that the window and door frames should be shipped "knocked down" instead of crated set up. This will result in quite a saving of space on board the ship.

[...]

The itinerary agreed upon was tentatively as follows: The "Arctic" and the "Franklin" are to meet in Godhavn where the "Franklin" will take over the supplies and equipment for Ponds Inlet and possibly one other post. The "Arctic" will proceed northward after crossing the middle pack and will remain at some suitable point until the ice opens sufficiently in Smith Sound for her to attempt to establish the Cape Sabine detachment. She will then rejoin the "Franklin" and arrangements will be made for establishing the new westerly post and for resupplying the posts already established, after which both ships will return to Quebec. The "Franklin" before proceeding to Godhavn to meet the "Arctic" will call at Blacklead to pick up Inspector Wilcox, as arranged with him, so that he may be able to inspect all the posts during the summer and so that he will be on hand when the question of the selection of a site for the new post is to be discussed.

Colonel Starnes also stated that he had under consideration the repairing of the gasoline launch now at Fort Churchill, so that he might send it to the Pangnirtung detachment for use in patrolling [from] the Cumberland Gulf Post.²³⁹

J.D. Craig

315.

Memorandum by Technical Adviser, Department of Justice, [for Director, Northwest Territories and Yukon Branch, Department of the Interior?]

Mémoire du conseiller technique, ministère de la Justice, [au directeur, Secteur des Territoires du Nord-Ouest et du Yukon, ministère de l'Intérieur?]

LAC/BAC, RG 13, vol. 889, file/dossier 8

MEMORANDUM RE

"IS HUDSON BAY A CLOSED SEA?"

A few years ago, I sent a memorandum²⁴⁰ on the above subject to the Arctic Committee. Later, the Chairman, the late Dr. Rutherford, informed me that he had transmitted it to Sir Joseph Pope and that it was filed in the Department of External Affairs.

Briefly, its purport was that most writers on International Law seem to think that we have not an unassailable case. Pitt Cobbett states the case succinctly, and I am attaching a copy of his statement.²⁴²

My argument is, in part, that the Crown, in 1670, granted Hudson bay, Hudson strait and certain territories on the confines of these waters to the Hudson's Bay Co.; that, at that date and for 113 years thereafter, the provinces which, in 1783, were recognized as the independent United States of America, were under the British Crown and the inhabitants thereof were British subjects.

²³⁹ Marginal notes: / Notes marginales :

Mr. Finnie to note. J.D. C[raig]

Copy sent [to] Col. Starnes. [Author unknown. Auteur inconnu]

The 1924 patrol, commanded by Frank Henderson, finally reached Cape Sattine only to find that there was no suitable location for a post in the vicinity. A depot (sometimes referred to as the "Kane Basin Post") was left at Rice Strait, between Ellesmere Island and Pim Island. A new post was then established at Dundas Harbour. In the spring of 1928, Corporal F.R. Michelson made an overland patrol from Craig Harbour to Rice Strait.

La patrouille de 1924, commandée par Frank Henderson, atteignit finalement le cap Sattine pour découvrir alors qu'il n'y avait aucun endroit convenable pour un poste dans les environs. Un dépôt (parfois appelé le « poste du bassin Kane ») fut laissé au détroit de Rice, entre l'île d'Ellesmere et l'île Pim. Un nouveau poste fut ensuite établi à Dundas Harbour. Au printemps de 1928, le caporal F.R. Michelson effectua une patrouille terrestre depuis Craig Harbour vers le détroit de Rice.

²⁴⁰ See Voir LAC/BAC, RG 25, vol. 2668, file/dossier 9057-C-40.

²⁴¹ The Royal Commission on the Possibilities of Reindeer and Muskox Industries in the Arctic and Subarctic. / La Commission royale sur les possibilités d'exploiter les régions arctiques et subarctiques comme pâturages pour l'élevage de boeufs musqués et de rennes.

²⁴² Pitt Cobbett, *Cases and Opinions on International Law, and Especially Points of English Law Connected Therewith. Contested and Disputed from 1793 to 1898, through the Reports of the Commissioners, and Other Sources, with Notes Containing the Views of the Text-Writers on the Topics Referred to. Supplementary Cases, Treaties, and Statutes*, part 1: Peace, 3rd edn (London: Stevens and Haynes, 1909), pp. 145-146.

As to the effect of the Treaty of Paris, 1783, it is pertinent to quote the despatch of John Quincy Adams, U.S. Minister to the Court at London, to James Monroe, U.S. Secretary of State, and bearing date 19th September, 1815.

Adams, in reporting an interview with Lord Bathurst, recites that the "British plenipotentiaries of the Convention of 1818 had given a notice that the British Government did not intend hereafter to grant to the people of the United States the right to fish, and to cure and dry fish within the exclusive British jurisdiction in America, without an equivalent, as it had been granted by the treaty of peace in 1783".

Adams continues:—

"The American plenipotentiaries had given notice, in return, that the American Government considered all the rights and liberties in and to the fisheries on the whole coast of North America as sufficiently secured by the possession of them, which had always been enjoyed previous to the revolution, and by the recognition of them in the treaty of peace in 1783; that they did not think any new stipulation necessary for a further confirmation of the right, no part of which did they consider as having been forfeited by the war. It was obvious that the treaty of peace of 1783 was not one of those ordinary treaties which, by the usages of nations, were held to be annulled by a subsequent war between the same parties: it was not simply a treaty of peace; it was a treaty of partition between two parts of one nation, agreeing thenceforth to be separated into two distinct sovereignties. The conditions upon which this was done constituted, essentially, the independence of the United States; and the preservation of all the fishing rights, which they had constantly enjoyed over the whole coast of North America, was among the most important of them. This was no concession, no grant, on the part of Great Britain, which could be annulled by a war." (American State Papers, vol. IV, p. 351).²⁴³

Again, on 25th September 1815, Adams writes Lord Bathurst:

"In adverting to the origin of these liberties, it will be admitted, I presume, without question, that, from the time of the settlements in North America, which now constitute the United States, until their separation from Great Britain, and their establishment as distinct sovereignties, these liberties of fishing, and of drying and curing fish, had been enjoyed by them in common with the other subjects of the British Empire. In point of principle, they were pre-eminently entitled to the enjoyment; and, in point of fact, they had enjoyed more of them than any other portion of the empire; their settlement of the neighbouring country having naturally led to the discovery and improvement of these fisheries, and their proximity to the places where they are prosecuted; and the necessities of their condition having led them to the discovery of the most advantageous fishing grounds, and given them facilities in the pursuit of their occupation in those regions which the remoter parts of the empire could not possess. It might be added, that they had contributed their full share, and more than their share, in securing the conquest from France of the provinces on the coasts on which these fisheries were situated.

... That these fisheries afforded the means of subsistence to a numerous class of people in the United States, whose habit of life had been fashioned to no other occupation, and whose fortunes had allotted them no other possession; that to another, and, perhaps, equally numerous class of our citizens, they afforded the means of remittance and payment for the productions of British industry and ingenuity, imported from the manufactures of this united kingdom; that, by the common and received usages

²⁴³ *American State Papers, Foreign Relations*, Vol. 4 (Washington: Gales and Seaton, 1834), p. 351.

among civilized nations, fishermen were among those classes of human society whose occupations, contributing to the general benefit and welfare of the species, were entitled to a more than ordinary share of protection, that it was usual to spare and exempt them even from the most exasperated conflicts of national hostility, that this nation had, for ages, permitted the fishermen of another country to frequent and fish upon the coasts of this island, without interrupting them, even in times of ordinary war, that the resort of American fishermen to the barren, uninhabited, and, for the great part, uninhabitable rocks on the coasts of Nova Scotia, the Gulf of St. Lawrence, and Labrador, [was] to use them occasionally for the only purposes of utility of which they are susceptible" (pp. 353-354).²⁴⁴

On 22nd January, 1816, Adams wrote Viscount Castlereagh, in part, that "he affirmed that, previous to the independence of the United States, their people, as British subjects, had enjoyed all the rights and liberties in the fisheries, which form the subject of the present discussion. . . . The fisheries on the Banks of Newfoundland, as well in the open seas as in the neighbouring bays, gulfs, and along the coast of Nova Scotia and Labrador, were by the dispensations and laws of nature, in substance, only parts of one fishery" (p. 359).

On 28th July, 1818, John Quincy Adams, U.S. Secretary of State, writes the U.S. plenipotentiaries, Gallatin and Rush, that:

"The President authorizes you to agree to an article whereby the United States will desist from the liberty of fishing, and curing and drying fish, within the British jurisdiction generally, upon condition that it shall be secured as a permanent right, not liable to be impaired by any future war, from Cape Ray to the Ramea islands, and from Mount Joli, on the Labrador coast, through the strait of Belleisle, indefinitely north, along the coast: the right to extend as well to curing and drying the fish as to fishing

.... The argument which has been so long and so ably maintained by Mr. Reeves, that the rights of antennati Americans, as British subjects, even within the kingdom of Great Britain, have never been divested from them, because there has been no act of Parliament to declare it, applies in its fullest force to this case, and, connected with the article in the treaty of 1783, by which this particular right was recognised, confirmed, and placed out of reach of an act of Parliament, corroborates the argument in our favor. How far it may be proper and advisable to use these suggestions in your negotiation, must be left to your sound discretion, but they are thrown out with the hope that you will pursue the investigation of the important questions of British law involved in this interest, and that every possible advantage may be taken of them, preparatory for the trial before the lords of appeals, if the case should ultimately come to their decision" (p. 378).

On 20th October, 1818, Gallatin and Rush write Adams, transmitting "a convention which we concluded this day with the British plenipotentiaries".

Respecting the fisheries, they say:

"To the exception of the exclusive rights of the Hudson's Bay Company we did not object, as it was virtually implied in the treaty of 1783, and we had never, any more than the British subjects, enjoyed any right there; the charter of that company having been granted in the year 1670. The exception applies only to the coasts and their harbors, and does not affect the right of fishing in Hudson's Bay beyond three miles from the shores, a right which could not exclusively belong to, or be granted by, any nation." (p. 380).

²⁴⁴ Ibid, pp. 352-354.

Though the United States negotiators here state that they are not excluded from the right of fishing in Hudson bay "beyond three miles from the shores", this statement only indicates that they were ignorant of the extent of the area included in the Hudson's Bay Company's charter while they expressly concede that they are excluded from the whole of the three-mile strip.

With reference to the article respecting the fisheries, Richard Rush, one of the U.S. plenipotentiaries and U.S. Minister at London, writes in his "Residence at the Court of London", 1833:

"It was by our act that the United States renounced the right to the fisheries not guaranteed to them by the convention. That clause did not find a place in the British counter-projet. We deemed it proper under a three-fold view: 1, to exclude the implication of the fisheries secured to us being a new grant; 2, to place the rights secured and renounced, on the same footing of permanence; 3, that it might expressly appear, that our renunciation was limited to three miles from the coasts. This last point we deemed of the more consequence from our fishermen having informed us, that the whole fishing ground on the coast of Nova Scotia, extended to a greater distance than three miles from land; whereas, along the coasts of Labrador it was almost universally close in with the shore. To the saving of the exclusive rights of the Hudson's Bay Company, we did not object. The charter of that company had been granted in 1670, and the people of the United States had never enjoyed rights in that bay that could trench upon those of the company". (pp. 365-366).²⁴⁵

The United States, in connection with the Venezuela Boundary Convention, accepted the principle that fifty years adverse possession constitutes a good title.²⁴⁶ If, when they obtained their independence, the United States also retained any such rights as are set forth in their contentions in 1815-18, they also retained said rights with all the limitations that were in full force and effect in 1783 and which had been in force for over a century.

My contention is, in brief, that the United States is now estopped from contending that Hudson bay is not territorial water.

My recommendations to the Arctic Committee — and which I have consistently urged ever since Capt. Bernier was preparing for his first voyage to the Arctic — are:

(a) That flag-hoisting is only clouding our title by virtually acknowledging that it is not indefeasible.

(b) That we should exercise any and all acts of jurisdiction possible and that such acts of jurisdiction should, if possible, be of such nature that they will not give rise to formal protests.

²⁴⁵ See: Voir Richard Rush, *A Residence at the Court of London* (London: Bentley, 1833), pp. 334-335

²⁴⁶ "Award regarding the Boundary between the Colony of British Guiana and the United States of Venezuela: Decision of 3 October 1899"/ « Sentence arbitrale relative à la frontière entre la colonie de Guyane britannique et les États-Unis du Venezuela : Décision du 3 octobre 1899 », *Reports of International Arbitral Awards/ Recueil des sentences arbitrales*, vol. 28, pp./ p. 331-340.

I had a copy of the article by Sir Patrick Magrath,²² but can not find it and fear it has been appropriated, unless I loaned it to you. Am sending you, however, Balch's article²³ which sets forth the United States contention.

James White

Ottawa, December 18th, 1923.

316.

Letter from Commissioner of Customs and Excise to Collector of Customs and Excise, Dawson

Lettre du commissaire des Douanes et de l'Accise au percepteur des douanes et de l'accise, Dawson

LAC BAC, RG 18, vol. 3307, file dossier 1924-HQ-1046-G-1

Copy/ Copie

Ottawa, January 5th, 1924.

The Collector of Customs & Excise [Alexander Forrest],
Dawson, Yukon Territory.

Sir,—

It appears from information recently conveyed to this Department that Captain C. T. Pederson of the trading Schooner "Herman" and other United States whalers have for some years past been in the habit of trading with the natives located in Canada along the shores of the Beaufort Sea.

It further appears from correspondence* on file in the Department that the Officer of the Royal Canadian Mounted Police, who is acting as Customs Officer at Herschel Island, has permitted United States vessels to report at Herschel Island and then land their goods at various places in Canadian territory and pay duty to the Police Officer on board the vessel as such supplies are landed at the various places referred to.

You are instructed to notify the Royal Canadian Mounted Police Officer, acting as Customs Officer at Herschel Island that this practice cannot be continued, as it is contrary to the provisions of the Law.

He is to be instructed that foreign vessels reporting at Herschel Island are required to make inward report of all goods carried by them, and be also required to pay the duty and excise taxes lawfully payable on all such goods, with the exception of such ships' stores as are necessary for the return voyage of the vessel from Herschel Island to the foreign port of first call.

You are also directed to instruct the officer at Herschel Island that he is to refuse coastwise clearance to foreign vessels who wish to do coasting trade business with Canadian citizens along the coast of the Beaufort Sea.

I have the honour to be, Sir,

Your obedient servant,

[R.R. Farrow],

Commissioner of Customs and Excise.

²² P. T. McGrath, "The Hudson Bay Dispute," *Fortification Review*, vol. 83, no. 403 (January, 1908), pp. 125-136.

²³ T. W. Balch, "The Legal Status of Hudson's Bay," *Annals of the American Academy of Political and Social Science*, vol. 45 (1913), pp. 47-55.

317.

Telegram from Commissioner, Royal Canadian Mounted Police, to Officer Commanding "G" Division, Edmonton

Télégramme du commissaire, Royale gendarmerie à cheval du Canada, à l'officier commandant la Division « G », Edmonton

LAC/ BAC, RG 18, vol. 3307, file/ dossier 1924-HQ-1046-G-1

Copy/ Copie

[Ottawa,] 23rd, Jany, 1924

The Officer Commanding R.C.M. Police,
Edmonton, Alberta [James Ritchie].

It is desirable to prevent foreign Eskimo and whites generally from entering the Canadian Arctic by sea or other means of transportation for the purpose of trading or trafficking and to this end Inspector Wood has been appointed acting Immigration Officer at Herschel Island from today's date. His appointment will be forwarded in due course. There is no general prohibition of these foreigners under the Immigration Act but each case has to be treated on its own merits under that Act. To assist Inspector Wood in making his decision I quote the following for his information and guidance in case a letter addressed to you tonight will not reach you in time to catch the mail leaving for the North. Order in Council P.C. twenty three²⁴⁹ of the seventh of January nineteen fourteen provides that from and after that date the landing in Canada is prohibited of any immigrant who has come to Canada otherwise than by a continuous journey from the country of which he is a native or naturalized citizen and upon a through ticket purchased in that country or prepaid in Canada. Order in Council P.C. one eighty three²⁵⁰ dated thirty-first of January nineteen twenty-three provides among other things that from and after the fifteenth of February nineteen twenty-three and until otherwise ordered the landing of immigrants of all classes and occupations is prohibited except, one: a bonafide agriculturalist entering Canada to farm and has sufficient means to begin farming in Canada. Two, a bonafide farm labourer entering Canada to follow that occupation and has reasonable assurance of employment. Three, a female domestic servant entering Canada to follow that occupation and has reasonable assurance of employment. Four, the wife or child under eighteen years of age of any person legally admitted [to] and resident in Canada who is in a position to receive and care for his dependents. Five, any United-States citizen entering Canada from the United-States who shall satisfy the Immigration Officer in charge at the Port of Entry that he has sufficient means to maintain himself until employment is secured. Order in Council P.C. one eighty five²⁵¹ dated the thirty-first of January nineteen twenty-three among other things provides that on and after the fifteenth of February nineteen twenty-three it shall be necessary as a condition to permission to land in Canada that every immigrant shall be in possession of a valid passport issued in and by the Government of the country of which such person is a subject or citizen. This regulation does not apply to British Subjects landing in Canada directly or indirectly from Great Britain or Ireland etc nor to United-States citizens landing in Canada from the United-States. Section three of the Immigration Act paragraph J provides that no person who in the opinion of the Board of Enquiry or the Officer in charge at any Port of Entry are likely to become a public charge shall be

²⁴⁹ Order-in-Council Décret du Conseil 1914-23, 7 January janvier 1914, LAC BAC, RG 2, vol 1079

²⁵⁰ Order-in-Council Décret du Conseil 1923-183, 31 January janvier 1923, *Canada Gazette*, 24 March 1923, p. 4106; p. 4112-4113 (version française).

²⁵¹ Order-in-Council Décret du Conseil 1923-185, 31 January janvier 1923, *Canada Gazette*, 24 March 1923, p. 4107; 31 March 1923, p. 4218-4219 (version française).

permitted to enter or land in Canada or in case of having landed in or entered Canada shall be permitted to remain therein." I sent you an urgent letter²⁵² last night from the Commissioner of Customs for Inspector Wood instructing him regarding collection of Customs at Herschel and also that he is to refuse coastwise clearance to foreign vessels who wish to do coasting trade business. These instructions together with those quoted above should effectively deal with the situation for the present. Writing you tonight. If my letter does not reach you by twenty-eighth please make sure above instructions and letter of yesterday are sent by registered mail to Wood on twenty-ninth instant.

Cortlandt Starnes.

318.

**Memorandum from Officer Commanding "G" Division, Edmonton, to
Commissioner, Royal Canadian Mounted Police**

**Note de l'officier commandant la Division « G », Edmonton, au commissaire, Royale
gendarmerie à cheval du Canada**

LAC/BAC, RG 18, vol. 3307, file/dossier 1924-HQ-1046-G-1

Transmitted to the Commissioner.

This report was received from Inspector Wood late last night. I think Inspector Wood answers fully the points raised by Mr. Brabant in his letter²⁵³ to Mr. Finnie dated 8th November, 1923.

Jas. Ritchie, Supt.,
Commanding "G" Division.

Edmonton, April 19, 1924.

**Enclosure: Letter from Officer Commanding Arctic Sub-District to Officer
Commanding "G" Division, Edmonton**

**Pièce jointe : Lettre de l'officier commandant le sous-district arctique à l'officier
commandant la Division « G », Edmonton**

Aklavik, 10th February 1924

The Officer Commanding R.C.M. Police
Edmonton [James Ritchie]

Sir:-

I have the honour to acknowledge the receipt of the Commissioner's letter²⁵² dated 21st November 1923, forwarded by you on the 26th Nov., enclosing copies of letters from the Director of the N.W.T. and Mr Brabant, Fur Trade Commissioner for H.B.C.

With reference to Page 2 of Mr Brabant's letter, H. Liebes & Co. of San Francisco have been sending ships into these waters for over thirty years, mainly for whaling, but since the whaling industry declined about 1908, they have only sent in one ship annually trading and whaling. From 1917 to 1921 they maintained trading posts at Aklavik, Shingle Point and Kittigaruit. These are now closed and no American firm has a trading post in operation in the N.W.T. or Y.T.

²⁵² 9-10 Edw. VII (SC 1910) c. 27; 9-10 Geo. V (SC 1919) c. 25, s. art. 3.

²⁵³ Doc. 313, enclosure pièce jointe.

The American ships coming in annually for the season of navigation and returning outside pay the Non-Resident Non-British trading and trafficking license fee of \$100. This has lately been increased to \$300.

A member of the Force accompanies the ship to check all sales and to collect duty for [the] Customs Dept. They are present at all business transactions and do not accept any declaration from the trader as to goods sold. The goods traded or sold are written down at the time by the Constable or a duplicate copy taken off the trader's pad or invoice. Since there is only one trader aboard the ship, and usually the Captain performs this as well as all other work, it is not difficult for the Constable to be able to check all sales as I know from my own experience. The above applies to ships visiting annually. Those schooners intending to winter in the country, carry a proper Customs manifest from Nome and the goods on the schooner are checked with the manifest. Search is made for contraband, liquor etc. Certain articles of ships stores including gear, provisions, etc to cover the period the ship is in the country is allowed in free of duty in accordance with Customs regulations.

In my experience of the past five years, only one schooner the "Lettie" has brought in Alaskan natives to trap in the Territories. The Lettie came in from Unalaska this past summer with five families of natives aboard, two of these families had relations in the MacKenzie delta. Captain J.R. Crawford was in command of this schooner, 17 tons, and is wintering east of Baillie Isl. Capt. Crawford had previously spent some six years in the country in the employ of the Can. Arctic Expedition. One other white man, the engineer C.W. Bates, a British subject, was aboard. The natives [are] outfitted by Crawford after he lands them at their various locations, and such outfit as he sells them is included in the Customs manifest and on which duty is paid. These natives are probably bound by some agreement to buy all supplies from Crawford but they informed me that outside of that they could sell their fur to whom they wished. Three native families were brought in on the Motor Ship "Ottillie Fjord" [by] Capt. Pedersen last summer and landed at Shingle Pt. where they met relations and proceeded upstream to the delta. These families bought an outfit from the ship but are under no other obligation to sell their fur to the ship other than to cover the price of the outfit. It will be remembered that all the natives in the delta came from Alaska originally, about thirty years or more back and I expect that each year more will want to enter Canada to join relatives on this side, since the Alaskan coast is thickly settled and trapping is not so good. Since it is only the best trappers that can afford to come over to this side, I am of the opinion that they [are] far from being undesirable citizens. The native families entering last summer were carefully examined by Doctor Doyle. No natives have left the country after two or three years residence to my knowledge except those natives employed by the Can. Arctic Expedition. All the natives entering this past summer informed me that they had every intention of remaining permanently in the country if they found conditions as they expected.

No white trappers have been brought in by American ships in past five years. Some white residents of the country have gone out to Frisco on the ship and returned the next year. Captain Martin Andreason with the small schooner "Anna Olga" brings in an engineer, and the latter takes out a trapping license. A brother of Andreason's also came in the last time in 1921 and with the engineer went out this last summer after the death of Martin Andreason. Martin Andreason had been coming in here trading from Nome for [the] past ten years or more.

Again referring to third last paragraph of Mr Brabant's letter: The Arctic did not land any natives in Canadian territory this past summer. The "Lettie" landed five families as mentioned above. J.R. Crawford Captain and C.W. Bates, engineer. The Ottillie Fjord, Capt. Pedersen landed three families at Shingle Pt. and Baillie Isl. where they joined their

relations. These families are under no obligation to Capt. Pedersen except for the cost of their outfit. No schooner by the name of "Duxbury" entered these waters nor have I heard of her. No other schooner or ship outside the three already mentioned, *Arctic*, *Ottillie Fjord* and *Lettie*, entered the Arctic last summer.

It is a fact that very few of the white trappers on the coast are British subjects as are the traders employed by the trading company, since many of these men have been in the country since the whaling fleet stopped coming up from Frisco. None of the white trappers pay income tax to date and none of them have been notified to do so.

Referring to Page 3 of said letter. The Charles Klingenberg mentioned, has resided in this section for over twenty years, is married and has a large family all living in Coronation Gulf. Mr Klingenberg bought his last large outfit from the Northern Trading Company of Edmonton in 1921 and has bought outfits from the H.B.C. He came out in Sept. last with 2100 skins, proceeds of two years trade, and being frozen in at Herschel Isl., he offered all his fur to Mr Hall, District Manager H.B.C. The latter would not make an offer so Klingenberg went out overland with what fur he could carry to Vancouver to buy a schooner and outfit in Vancouver. Klingenberg has not bought an outfit from the American ships since 1919. The year before that and last winter he bought from the H.B.C.

Martin Andreason's fur was put up for sale at Herschel Isl. on 1st September last. Mr Hall, District Manager of H.B.C. and Capt. Pedersen of Motor Ship "Ottillie Fjord" put in sealed bids which were opened in the presence of the Rev. Mr. W.A. Geddes. Capt. Pedersen was the highest offer by several thousand dollars.

Wyant bought sufficient supplies from Capt. Pedersen to cover the requirements of his family at Baillie Isl. and took the balance of his fur outside to Seattle to sell. Wyant went out on the ship and is returning this winter. Wyant comes from upriver and married a native woman a couple of years ago. He is residing permanently in the country.

P. Steen sold his catch of fur to the H.B.C. at Baillie Isl. this past summer and went outside on the *Lady Kindersley*, H.B.C. ship.

It will be seen that, outside the engineers brought in by Crawford and Andreason and the latter's brother, no American white trappers have entered the country, however quite a number of Americans and others have come down river onto the coast to trap in the past two years. Some of these have brought schooners and trading outfits. I have reported fully on this matter under date of 7th May last.

With the increase in the license fee for non-residents and the fur export tax coming into effect, most of the points raised by Mr Brabant will be remedied. There only remains the matter of the Income Tax which can be enforced as soon as a supply of forms are received.

Many exactly similar points were raised on these same questions in a letter²⁶⁴ from the Fur Trade Commissioner to Mr J.B. Harkin, Commissioner of Parks about 1920 or 1921 under the heading "Whaling in the Arctic, N.W.T. Trading in N.W.T." Unfortunately the file is at Herschel Isl. as I had to submit a report at that time. The same complaint was then made that the Police accepted a declaration of goods traded from the ship also that there was smuggling. Correspondence is also on file at Herschel Isl. relating to a letter from the fur trade Commissioner, H.B.C. to the Commissioner of Customs recommending that the District Manager of H.B.C. at Herschel Isl. be appointed Collector of Customs at that point. I am satisfied that there are no irregularities in connection with the Customs as for one thing these traders have too much at stake, standing to lose ship and all.

²⁶⁴ Not found. Non retrouvée.

The question of allowing Alaskan natives to enter Canada, is one in which I am in doubt. Only one family had entered previous to last summer, but more will follow if permitted to do so. As stated above all these people have relations on this side. As an instance Ilivnik, who was interpreter for Insp. La Nauze on the Bear Lake patrol and who comes from Point Hope, Alaska wrote his brother to come in here. The brother and his whole family came in with Capt. Crawford on the "Lettie" and are included in the five families mentioned above, now located east of Baillie Isl.

I would respectfully point out that the only competition the H.B.C. have in the Arctic is the ship's annual visit from Frisco trading. This competition has had the effect of keeping all furs up to a fair price and cost of staple articles of food, ammunition, etc down to a reasonable rate. This is much appreciated by the trappers, natives and whites alike. There are a large number of whitemen residing permanently in this country and making their living by trapping and a little trading on the side. All are married, many with large families. Should any one company obtain a monopoly in the trading business it means great hardship for these men not to mention the natives.

Referring back to paragraph three Page 2 of said letter, a definite complaint was made some two years ago in the letter to Mr Harkin, mentioned above, that no member of the Force accompanied the American ship while in these waters and that a list of articles sold was accepted from [a] trading ship on her way out. That Customs duties were based on articles on this list. I now note that Mr Brabant states that the member of the Force is placed aboard to facilitate American business and trade. This is hardly consistent.

I have the honour to be, Sir

Your obedient servant,

S.T. Wood Inspector

Comd'g Arctic Sub-District

319.

Letter from Officer Commanding Arctic Sub-District, Royal Canadian Mounted Police, to Officer Commanding "G" Division, Edmonton

Lettre de l'officier commandant le sous-district arctique, Royale gendarmerie à cheval du Canada, à l'officier commandant la Division « G », Edmonton

LAC/ BAC, RG 18, vol. 3307, file/ dossier 1924-HQ-1046-G-1

Herschel Island, 22nd April 1924

The Officer Commanding R.C.M. Police

Edmonton [James Ritchie]

Sir:-

FOREIGN VESSELS TRADING AND TRAFFICKING IN THE ARCTIC.

I have the honour to acknowledge the receipt of the Commissioner's letter²⁵⁵ and copies of correspondence forwarded by you on the 15th December last. This arrived here in the mail yesterday. Other correspondence on this matter was received in the winter mail last February and I made a hurried reply²⁵⁵ to same under date of the 10th Feb. from Aklavik.

In connection with this last correspondence there are several points I wish to report more fully on. By this spring mail, instructions were received from the Commissioner of

²⁵⁵ Doc. 318, enclosure/ pièce jointe.

Customs to the effect that the law regarding coastwise trading by foreign vessels is to be enforced in future, this of course means that the American ships can do no more trading from the ship at various points in these waters and will have to pay duty on all goods in the vessel with exception of ship's stores. This restriction will, I believe, effectively stop the big ships like Liebes and Co. "Arctic" and Captain Pedersen's "Omlle Fjord" from coming in except whaling as they could never afford to pay duty on all trade stores in the vessel on the off chance of disposing of them. They can still bring in outfits and land same for trappers under proper Customs manifest, declaring and paying duty on such outfits here, at least this is my understanding of the Act. The three conditions, mentioned on first page of Mr Finnie's memorandum, under which American vessels carry on business in here are therefore no longer possible as they will not be permitted.

Page 2. Again regarding members of the Force accompanying these ships in the past, since there is only one trader on each ship, it is not a difficult matter to keep check on all transactions as I know from actual experience.

As to the impression given the natives by the fact that a member of the Force is present on these ships, I can say that on every occasion that the H.B.C. Ship "Lady Kindersley" has come in here, members of the Force have travelled on her both to and from Tree River. I made the trip to Tree River on her in 1921.

With reference to paragraph 5, such Alaskan Eskimo as have entered on the ships have not been outfitted from ship's stores, duty being collected on all their outfits. In my first report I dealt fully with the number of Alaskan natives brought in by each ship also white trappers.

The Schooner "Duxbury" mentioned in last para. did not come in as I now have information that she is wintering at Flaxman Island in Alaska.

The foreign vessels trading in these waters in 1919 and 1920 paid over 13,000 and 14,000 dollars respectively in Customs duty besides the \$100 trading license. In view of the fact that Income Tax is to be collected from these people and Export Tax on all furs as coming into force in November next, besides the trading license being increased 300%, it will be seen that the Canadian treasury will derive no small benefit. Customs duty with sales tax averages about 35% of invoice value of all goods imported.

Page 3. C. Klingenberg has no connection with Liebes & Co. or any other American concern. He is a permanent resident of the Territory for [the] past twenty years and has a large family. Only once in the past six years has he dealt with one of the American ships, having on more than one occasion sold all his furs to the H.B.C. and Northern Trading Co. All the persons mentioned, namely Klingenberg, Andreason, Steen, Wyant are permanent residents, two with large families, their home and all their interests are in this country. It is true they are not Canadian citizens, for that matter few of the residents up here are, eight out of the ten post managers of the H.B.C. are foreigners, nevertheless I believe these people deserve some consideration. The restrictions on American ships will eliminate all active competition and is bound to work a hardship on the white trappers and natives in

²⁵⁶ This refers to a memo from Finnie to Hoves Lloyd, Secretary of the Advisory Board on Wildlife Protection. The memo repeated many of the allegations made in Brabant's letter of 8 November 1923. Following Brabant, Finnie contrasted the regulations and conditions under which Canadian and American traders carried on their business in Canada.

On fait référence ici à une note de Finnie à Hoves Lloyd, secrétaire du Conseil consultatif sur la protection de la faune. La note répétait plusieurs des allégations formulées dans la lettre de Brabant du 8 novembre 1923. Comme Brabant, Finnie soulignait le contraste entre les règlements et les conditions en vertu desquels les négociants canadiens et américains faisaient des affaires au Canada.

See: Voir Finnie to Lloyd, 1 December 1923, also in file aussi au dossier 1924-HQ-1046-G-1.

that the prices paid for fur will drop while that on food stuffs and other necessities will rise. I have no desire to see foreign concerns operating in the Territory, on the other hand as there is no other Canadian firm doing business in here with the exception of the H.B.C. it is essential to the interests of the country and the welfare of the natives and white residents that there should be competition in the trade.

The H.B.C. ship "Lady Kindersley" comes in each year with part native crew picked up at Point Barrow. One of these men was left at Prince Albert Sound while another was left here. The latter became destitute, and I took the first opportunity of getting him back across the line.

Alaskan natives can be prohibited from entering under the Immigration Act, however whitemen, American citizens, can come in with small schooners with trapping or trading outfits under the Act (provided they are not likely to become a charge on the public) and go into winter quarters. Erecting a dwelling on the beach, this is in all respects an established post and may be their residence for the time they remain in the country. I have in the mind the Sch. "Lettie" with two whitemen on board, they did not trade from the schooner until after they located for the winter nor had they any desire to do so. I understand that the Sch. "Duxbury" with 3 white men and only a trapping outfit intends to come next summer. After paying duty they are entitled to non-resident trapping license. These are the class of people which it is desirable to keep out but providing they are American citizens and comply with the Immigration Act in other respects, I can see no way of stopping them. I do not anticipate any great influx of American vessels or trappers in spite of the situation in Siberia.²⁵⁷ Capt. Crawford who came in with the "Lettie" last summer had spent several years in here before and stated his intention of returning when he went out in 1919. The other man with him, Bates, served in the C.E.F. and was in the employ of H.B.C. in Hudson Bay. Should the "Duxbury" come in this summer, it will be the first new outfit of whitemen and vessel to enter here in over eight years.

I have the honour to be, Sir
Your obedient servant,
S.T. Wood Inspector
Comd'g Arctic Sub-District

²⁵⁷ The Soviet government was taking action to exclude US traders from Siberia, and several vessels had been detained by the authorities at East Cape. Le gouvernement soviétique prenait des mesures pour exclure les négociants américains de la Sibirie et plusieurs navires avaient été détenus par les autorités au cap East.

320.

Letter from Vilhjalmur Stefansson to Secretary of State for Foreign Affairs
 Lettre de Vilhjalmur Stefansson au secrétaire d'Etat aux Affaires étrangères
 TNA, FO 371/9613

Sydney, Australia.
 June 2, 1924.

Foreign Office, Downing Street,
 Whitehall, London.

Sirs:

During the summer of 1923 I laid before you the case of Wrangell Island. That information is already in your files or available in the files of the Colonial, Admiralty, and Air Ministers.

As shown by the investigations of the Royal Geographical Society (see attached copy of their impartial summary¹ of the case) and as shown equally, I believe, by the investigations of the technical men of your Department, Great Britain has a clear legal claim to Wrangell Island, the claim of the United States being second and that of Russia weak in comparison with theirs. No other countries, I believe, have any claims.

I want to call your attention to the necessity for some action on the part of the Empire since my work and that of the Stefansson Arctic Exploration and Development Company must come to an end. As explained to you last summer, I have already spent all the money I had and all I could borrow and am physically unable to go ahead. We have in the island twelve Eskimos under command of a white man, Charles Wells.² I do not have and cannot find the money to send a supply ship to communicate with them. I shall, therefore, be forced to try to sell our interests in Wrangell Island (only the furs which these people may catch) to an American company.³ I dislike withdrawing but no other course is open. I am, of course, anxious to withdraw in favor of the United States if I do withdraw since that country has the second best claim, and since through a residence of forty years in their territories I have their interest at heart almost as much as ours.

When the lives of the four men on Wrangell Island were considered to be in danger in 1923, Mr. Griffith Brewer, of 33 Chancery Lane, London, made me a loan of more than 2,000 pounds sterling, which enabled us to send a ship. I am in Australia but he is presumably in London and within easy reach. He is well informed on most of our affairs and can probably give you any information you may want.

¹ The anonymously published article was written by Arthur Hinks of the Royal Geographical Society at Stefansson's suggestion. "L'article publié de façon anonyme fut rédigé par Arthur Hinks de la Royal Geographical Society à la suggestion de Stefansson.

See/ Voir "Wrangel Island," *Geographical Journal*, vol. 62, no. 6 (December 1923), pp. 440-444, and et Stefansson to Hinks, 21 April 1922, Royal Geographical Society Archives, CB9 139.

² This was the party left on the island by Harold Noice's relief expedition in 1923. Il s'agissait du groupe laissé sur l'île par l'expédition de secours d'Harold Noice en 1923.

³ Stefansson had already sold his company to Alaskan businessman Carl Lomen. Lomen hired trader Louis Lane to make a relief expedition in the summer of 1924. Lane could not reach the island. The people were taken off by the Soviet gunboat *Krasnyy Oktyabr'*, which had been sent to assert sovereignty.

Stefansson avait déjà vendu sa compagnie à l'homme d'affaires de l'Alaska Carl Lomen. Lomen engagea le négociant Louis Lane pour mener une expédition de secours à l'été 1924. Lane ne put atteindre l'île. Les gens furent sauvés par la canonnière soviétique *Krasnyy Oktyabr'* qui avait été envoyée pour affirmer la souveraineté.

The only action that seems to me to be absolutely necessary at the moment is a declaration that Great Britain means to stand on her rights and is willing to submit the case to arbitration by the League of Nations or some other court if some other nation believes itself to have a valid claim to the island.

As stated last summer, I would hope that the Government might some time return both to us who are living and to the relatives of those who are dead the money we have actually put into the Wrangell Island enterprise. However, the Government's doing this is no condition laid down by us nor any essential part of what ought to be done just now.²⁶¹

V. Stefansson.

321.

Despatch from Secretary of State for the Colonies to Governor General

Dépêche du secrétaire d'État aux Colonies au gouverneur général

LAC/ BAC, RG 25, vol. 2667, file/ dossier 9057-B-40

Copy/ Copie

Downing Street,
18 June, 1924.

Confidential

My Lord,

With reference to my predecessor's confidential despatch† of the 24th December 1923, and previous correspondence, I have the honour to request Your Excellency to inform your Ministers that in anticipation that the question of the ownership of Wrangel Island may be raised by the Soviet Delegation during the Conference²⁶² which is now being held in London, His Majesty's Government have given further consideration to the matter with a view to deciding whether a claim to the Island should be put forward and an effort made to secure the reference of the matter to arbitration.

2. The position in regard to claims by foreign Governments may now be stated as follows:—

(a) The United States Government are thought to have a strong, if not an indisputable, claim to the Island, if they see fit to press it, on the ground that Captain Calvin L. Hooper, of the United States Ship "Corwin", took formal possession of it in the name of the United States Government in the year 1881.

(b) The Soviet Government have made a definite claim to the Island, although this would seem to depend only on its geographical proximity to the Russian Mainland.

3. Your Ministers will be aware from my predecessor's confidential despatch of the 25th August 1923 that it is probable that the United States Government would contest, on the ground of priority of occupation, any claim put forward by His Majesty's Government; but assuming that the United States Government do not lay claim to the Island, His Majesty's Government would be unwilling to adopt an attitude calculated to create difficulties with the Soviet Government, unless substantial interests were at stake.

²⁶¹ This letter was not received in London until July (that is, well after the following document had been sent)./ Cette lettre ne fut pas reçue à Londres avant juillet (c'est-à-dire, bien après que le document suivant fut envoyé).

²⁶² The Anglo-Soviet Conference, held between 14 April and 7 August 1924. La Conférence anglo-soviétique, tenue entre le 14 avril et le 7 août 1924.

4. The War Office, the Air Ministry and the Admiralty have been consulted in the matter by the Secretary of State for Foreign Affairs.

The Army Council express the view that the Island is of no military significance.

The Air Council state, that, from the point of view of service aviation, they do not consider that this Island is of sufficient potential importance to justify any claim for British ownership being pressed. As regards its potentialities for civil aviation, it is possible that the Arctic Circle may eventually offer considerable advantages through the possibility of reducing distances East and West by flying over the Arctic Circle. This possibility is, however, considerably discounted by the fact that, owing to the prevalence of fog on Wrangel Island, the climate is probably less favourable than was suggested by Mr. Stefansson when this subject was discussed with him. Unless the Island was suitable as an Air base, it would be unnecessary as a Wireless Telegraph Station. The Air Council's conclusion is that, so far as they are concerned, it is not considered necessary that the question of ownership should be referred to arbitration.

The Admiralty have examined the question of the desirability of claiming the Island either for possible use for a wireless telegraph station or as an air base. As to the former, the Admiralty do not consider that the interests at stake are sufficient to justify the reference of the question of ownership to arbitration. As to the latter, they take note of the Air Council's views, but they point out that the Island has not the same importance for trans-polar flight to the United States and Soviet Governments as to this country, because the United States and the Soviet have other and more convenient territory quite near, whereas there is no British territory within some thousands of miles. While agreeing that the claim should not be pressed to arbitration, they suggest that, in view of the circumstances referred to in the preceding sentence, the raising of the question should, if possible, be avoided and the matter allowed to remain as it stands at present, in which case if at a later date aerial development conferred great value on the Island a claim might be put forward by His Majesty's Government.

5. The Secretary of State for Foreign Affairs would not propose to raise the question with the Soviet Delegation. But should it be raised by the Delegation, it will be necessary to decide what attitude to adopt, and as at present advised His Majesty's Government would be disposed not to lay claim to the Island. Before taking a decision, however, they would be glad to learn whether your Ministers have any observations to offer. As the matter, if brought up by the Soviet Delegation, may have to be dealt with at an early date, it would be convenient if a reply to this despatch could be sent by telegraph.

I have the honour to be,
My Lord,
Your Lordship's most obedient,
humble Servant,
[J.H. Thomas]

Governor General His Excellency General the Right Honourable
Lord Byng of Vimy, G.C.B., G.C.M.G., M.V.O.
&c., &c., &c.

322.

Memorandum from Assistant Deputy Minister of the Interior to Director, Northwest Territories and Yukon Branch

Note du sous-ministre adjoint de l'Intérieur au directeur, Secteur des Territoires du Nord-Ouest et du Yukon

LAC/BAC, RG 85, vol. 1124, file/ dossier 1005-5-1

Ottawa, 11th July, 1924.

Memorandum;—

Mr. Finnie

You have before you a despatch²⁶³ from the Imperial Government upon the subject of Wrangel Island.

The Minister thinks that we could not make any better reply than to concur in the opinion expressed by the Home authorities.

Will you please draft a memorandum accordingly and send it here this morning so that we may write the External Affairs.²⁶⁴

[R.A. Gibson]

323.

Memorandum from Director, Northwest Territories and Yukon Branch, to Deputy Minister of the Interior

Note du directeur, Secteur des Territoires du Nord-Ouest et du Yukon, au sous-ministre de l'Intérieur

LAC/BAC, RG 85, vol. 1124, file/ dossier 1005-5-1

Ottawa, 11th July, 1924.

Memorandum;—

W.W. Cory, Esq., C.M.G.

Deputy Minister, Interior.

The Wrangel Island matter has been before us for some years and at no time have we ever thought it advisable to lay claim to the Island. It is a contentious question and we

²⁶³ Doc. 321.

²⁶⁴ An attached note, signed with the initials L. McD., reads:

Une note jointe, signée des initiales L. McD, se lit comme suit :

Mr. Gibson dictated this to me over the phone. He asked me to call you out of the meeting and hand you this. It is a rush case.

It is not clear why the matter was suddenly considered so urgent. Minister Stewart strongly opposed a claim to Wrangel Island, and it is possible that as soon as he learned about the British despatch, he wished for immediate action.

On ne sait pas clairement pourquoi le sujet fut soudainement considéré si urgent. Le ministre Stewart s'opposait fortement à une revendication de l'île Wrangel et il est possible qu'aussitôt qu'il fut informé de la dépêche britannique, il souhaita une action immédiate.

agree entirely with the views expressed in the confidential despatch of the 18th ultimo that it would be inadvisable to lay claim to it at the present time.²⁶⁵

O.S. Finnie

324.

Letter from Member of Parliament for Birmingham Sparkbrook to Permanent Under-Secretary of State for Foreign Affairs

Lettre du député de Birmingham Sparkbrook au sous-secrétaire d'État permanent aux Affaires étrangères

TNA, FO 371/9613

112, Eaton Square, S.W.1.

July 14th 1924.

My dear Crowe,

I have had a letter²⁶⁶ from Stefansson, the Arctic Explorer, who is at present in Australia, telling me that he has written again to the Foreign Office urging that we should not drop our claim to Wrangel Island but press it with a statement of our willingness to put it before the League of Nations or any other impartial arbitration. I hope we may do so because I am convinced that with the development of airships in the future several of those scattered islands in the North Polar regions may become of possible value for us.

In this connexion I should like you to think not only of Wrangel Island but also of Franz Josefland. If I am not mistaken that is the only colonial possession of the Central Powers which was not taken away from them after the Great War and is still an Austrian colony.²⁶⁷ Might it not be worth while keeping in view the purchase of Franz Josefland from Austria at some favourable moment? I imagine you would not have to pay anything appreciable for it.

Yours sincerely,

L.S. Amery

Sir Eyre Crowe, GCB, GCMG.

²⁶⁵ A draft memorandum to Council was produced the same day. Minister Stewart felt that it should be signed by Mackenzie King in his capacity as Secretary of State for External Affairs. The Department of National Defence was asked for an opinion and concurred in Stewart's view. The memorandum was approved by Order-in-Council 1924-1227 on 17 July.

Une ébauche de note au gouverneur en conseil fut produite le même jour. Le ministre Stewart estima qu'elle devait être signée par Mackenzie King en sa capacité de secrétaire d'État aux Affaires extérieures. Le ministère de la Défense nationale fut requis de donner une opinion et fut d'accord avec la façon de voir de Stewart. La note fut approuvée le 17 juillet par le décret du Conseil 1924-1227.

See: Voir Stewart to King, 14 July 1924, and et Desbarats to Pope, 16 July 1924, LAC BAC, RG 25, vol. 2667, file dossier 9057-B-40; LAC BAC, RG 2, vol. 1357.

²⁶⁶ Stefansson to Amery, 3 June 1924, SC, MSS 196, box 11, folder 28.

²⁶⁷ Franz Josef Land was discovered by the Austro-Hungarian North Pole Expedition, led by Julius von Payer and Karl Weyprecht, in 1873. However, it was not an Austrian colony. The Soviet Union annexed it in 1926. La terre François-Joseph fut découverte en 1873 par l'expédition austro-hongroise vers le pôle Nord, dirigée par Julius von Payer et Karl Weyprecht. Cependant, ce n'était pas une colonie autrichienne. L'Union soviétique l'annexa en 1926.

325.

Decoded Telegram from Governor General to Secretary of State for the Colonies
Télégramme décodé du gouverneur général au secrétaire d'État aux Colonies
TNA, CO 532/274

[Ottawa,] 18th July [1924]

Your despatch of 18th June Confidential. Minutes [*sic*] of the Council approved 17th July to the effect that the view taken by the Imperial Authorities as to the undesirability of laying claim to Wrangel Island is shared in by the Canadian Government.²⁶⁸

[Byng of Vimy]

326.

Letter from former Officer Commanding Arctic Sub-District, Royal Canadian Mounted Police, to Deputy Minister of Customs and Excise
Lettre de l'ancien officier commandant le sous-district arctique, Royale gendarmerie à cheval du Canada, au sous-ministre des Douanes et de l'Accise
LAC/BAC, RG 18, vol. 3307, file/ dossier 1924-HQ-1046-G-1
Copy/ Copie

Regina, 31st July 1924

The Deputy Minister of Customs [R.R. Farrow]
 Ottawa, Ont.

Sir:—

I beg to acknowledge the receipt of your telegram† of the 28th instant regarding American vessels trading in the Canadian Arctic. On receipt of this telegram on my arrival here from Edmonton last night, I drafted out the following telegram which goes forward today. Begins[:]

“Deputy Minister of Customs, Ottawa. Referring to your wire of 28th instant, persons to the approximate number as stated, in the Baillie Island district, had given their orders for food supplies to American ships last year for the coming season. These people will be gathered at Baillie Island in August to meet the ship, however there is no possible means of their learning of the new regulations until arrival of Hudson Bay Co. ship from Vancouver about end of August, too late for them to proceed to Customs Port at Herschel to pick up their supplies from American vessels, besides the 350 miles trip is extremely risky to small craft, and season is too short for them to return to winter quarters before freeze up in September. Several parties have small 15 ton schooners of American registry which, under new regulations, they would not be permitted to carry their own outfits in any case beyond the port of Herschel. It will work a great hardship on these people for the coming winter if they are deprived of their supplies, most of them being married men with large families. I would strongly recommend that, for this

²⁶⁸ After a copy of Byng's telegram was forwarded to the Foreign Office, both Stefánsson and Amery (see docs 320, 324) were informed that there would be no British claim, and that any claim by the Soviet Union or the United States would not be contested. See TNA, FO 371/9613.

Après qu'une copie du télégramme de Byng fut envoyée au Foreign Office, Stefánsson et Amery (voir docs 320 et 324) furent informés qu'il n'y aurait aucune revendication britannique et que toute revendication par l'Union soviétique ou les États-Unis ne serait pas contestée. Voir TNA, FO 371/9613.

season at least, the American vessels be permitted to proceed as heretofore delivering such goods as covered by manifest. Also that owners of American schooners should have time to pay duty on and apply for change of registry on same. For the future I would suggest that Baillie Isl. be made an out-port same as Herschel. There is a permanent Police post at Baillie in charge [of] Corpl. E. Pasley (signed) S. T. Wood. Ends.

I would add that the elimination of the American vessels from the Canadian Arctic leaves to one trading concern the monopoly of the fur trade and, as has so often been the case under like circumstances, tends to greatly increase the prices of food and all trade goods and reduce the price paid for pelts. An example of which is that at Baillie Island a year ago flour had been selling for \$25 per hundred until the arrival of American vessel in August, the latter selling flour for \$10 per hundred.

Should you wish to issue any instructions immediately covering the present situation, I would suggest that same be sent by wireless via St. Paul (Alaska) and the U.S. Revenue Cutter "Bear" to be transmitted to the Hudson Bay Co. Ship "Lady Kindersley" or any American Ship carrying wireless equipment going into Herschel. Also that a telegram be sent via Fort McMurray. These ships should now be working up toward Point Barrow, Alaska through Bering Sea and judging from exceedingly bad ice conditions when I left the coast on the 3rd instant I am of the opinion that the ships will not reach Herschel much before the end of August (about 9th August in an ordinary year).²⁶⁹

I have the honour to be, Sir
Your obedient servant,
[S.T. Wood]

²⁶⁹ A one-year grace period before the new regulations must be enforced was decided on in Ottawa. However, notification did not reach Herschel Island in time to prevent the police from detaining American traders (see next document). The people from the Baillie Island district travelled to Herschel Island to pick up their goods after duty had been paid.

Une période de grâce d'une année avant l'entrée en vigueur des nouveaux règlements fut décidée à Ottawa. Cependant, l'avis n'arriva pas à l'île Herschel à temps pour empêcher la police de détendre les négociants américains (voir le document suivant). Les gens du district de l'île Baillie se rendirent à l'île Herschel pour ramasser leurs biens après que les droits de douane eurent été payés.

See/ Voir Caulkin to Ritchie, 22 October 1924, also in file: aussi au dossier 1924-HQ-1046-G-1.

327.

Report from Officer Commanding Arctic Sub-District, Royal Canadian Mounted Police, to Officer Commanding "G" Division, Edmonton

Rapport de l'officier commandant le sous-district arctique, Royale gendarmerie à cheval du Canada, à l'officier commandant la Division « G », Edmonton

LAC/ BAC, RG 18, vol. 3307, file/ dossier 1924-HQ-1046-G-1

[Herschel Island,] August 12th 1924.

The Officer Commanding, "G" Division,
Edmonton [James Ritchie].

RE:— AMERICAN VESSELS — CANADIAN ARCTIC.

Sir,

I have the honour to report that up to the present date the "Kindersley" has not arrived, and it is expected she is having trouble to the west, owing to the bad ice Conditions, and it looks as if we shall have a late trip to the East with her.²⁷⁰

In connection with American Vessels the U.S. Gas Schooner "Orion" arrived here from Nome, Alaska, on the 8th inst, under the control of a P. Brandt, and a crew of two others, their intentions was [*sic*] to proceed east on a Trapping tour, extending over two years, I refused them entry, and they are returning westward to Alaska, U.S.

Capt Klengenberg with the "Maid of Orleans" arrived on the 9th inst, I have rendered a separate report† on his case.

Capt Pederson with the U.S. Gas Schooner "Nanuk" arrived here on the 10th inst, he having run aground on the west side of Herschel Island in a heavy fog that was prevailing at the time, and he was stuck for about 24 hours. Capt Pederson asked me for permission to proceed to Baillie Island to take off some provisions and coal he left there last year (1923), but I refused him this permission, and he stated that he would return outside, and try and obtain this authority from the Government.

The "Arctic" of Liebes Company, has not yet arrived here up to date, but I am informed that they were seen at Nome, Alaska, as stated in previous report,† this boat has a special authority from the Commissioner of Customs to proceed to the relief of their schooner "Lettie" at Baillie Island, and visit Atkinson, and Shingle Points, for the purpose of collecting debts from the natives, a member of this Command will accompany this vessel, to see that no breach of the law otherwise occurs.

So far I have experienced no trouble with these American vessels, as was expected, nor do I believe that any will occur, they have been very straight, and have come out into the open, desiring to abide by anything I have said. Some complicating points have arisen, which has forced me to use some discretion, as in the Klengenberg case,²⁷¹ but I hope this discretion will meet with every approval, when circumstances are considered. Next year

²⁷⁰ The ship was abandoned in the ice./ Le navire fut abandonné dans la glace.

²⁷¹ Caulkin allowed Klengenberg to proceed to Victoria Island, where his wife and several of his children were living, with supplies for them. However, Klengenberg was forbidden to do any trading. Subsequently, Klengenberg became a British subject and changed his ship to Canadian registry.

Caulkin permit à Klengenberg de se rendre à l'île Victoria, où sa femme et plusieurs de ses enfants vivaient, avec du ravitaillement pour eux. Cependant, Klengenberg se vit interdire tout commerce. Par la suite, Klengenberg devint sujet britannique et changea l'enregistrement de son navire pour battre pavillon canadien.

will see any trouble or complications eliminated, and I think matters will be then clear to the Americans.

I have the honour to be,

Sir,

Your obedient servant,

T.B. Caulkin Insp,

Commanding Arctic Sub District.

328.

Despatch from Secretary of State for the Colonies to Governor General

Dépêche du secrétaire d'État aux Colonies au gouverneur général

LAC/BAC, RG 7 G-21, vol. 411, file/dossier 10045

Downing Street,

10 September, 1924.

Confidential.

My Lord,

With reference to Your Excellency's confidential despatch* of the 24th of July and previous correspondence regarding the ownership of Wrangel Island, I have the honour to invite attention to the fact that a declaration was made on behalf of the British delegation at the meeting of the Anglo-Soviet Conference on the 6th of August that His Majesty's Government lay no claim to the island of Wrangel.²⁷²

An extract from the proceedings of the meeting of the Conference of the 6th of August is enclosed for convenience of reference.

I have the honour to be,

My Lord,

Your Lordship's most obedient,
humble servant,

(for the Secretary of State [J.H. Thomas])

Arnold

Governor General, His Excellency, General, the Right Honourable,

Lord Byng of Vimy, G.C.B., G.C.M.G., M.V.O.,

etc., etc., etc.

Following the end of the short-lived 1924 Labour government, Stefansson asked Léopold Amery (the new Colonial Secretary) whether it would be possible to reverse this stand. Amery replied that the Soviet government would naturally see such a move as a breach of faith.

Après la chute du gouvernement travailliste qui assumait brièvement le pouvoir en 1924, Stefansson demanda à Léopold Amery (de nouveau secrétaire aux Colonies) s'il était possible de repenser cette décision. Amery répondit que le gouvernement soviétique verrait naturellement un tel geste comme un abus de confiance.

See/ Voir Amery to Stefansson, 14 March 1925, SC, MSS 196, box 13, folder 16.

Enclosure: Extract from Minutes of Anglo-Soviet Conference
Pièce jointe : Extrait de procès-verbal de la Conférence anglo-soviétique
Copy/ Copie

M. RAKOVSKI: [...]

I would now ask if I might receive a reply regarding Wrangel Island.

MR. PONSONBY: M. Rakovski has spoken to me on several occasions with regard to the Island of Wrangel. On behalf of the British delegation I am prepared to make the following declaration:—

“His Britannic Majesty’s Government lay no claim to the Island of Wrangel”.

[...]

M. RAKOVSKI: I am glad that one of the points, although a small point, which caused misunderstanding between the Soviet Union and Great Britain has been removed, and I would suggest that this should be recorded in the minutes of the conference. [...]

329.

Letter from Director, Northwest Territories and Yukon Branch, Department of the Interior, to Donald MacMillan
Lettre du directeur, Secteur des Territoires du Nord-Ouest et du Yukon, ministère de l’Intérieur, à Donald MacMillan
LAC/ BAC, RG 85, vol. 14, file/ dossier 20-MacMillan
Copy/ Copie

[Ottawa,] 22nd October, 1924.

Dear Sir,

I beg to refer you to my letter† of the 16th June, 1923, addressed to you at Freeport, Maine. Copies of the North West Game Act and regulations were enclosed, and your attention was particularly drawn to those clauses dealing with licenses to hunt, trap, trade and traffic. The letter was not acknowledged, but since it was not returned, it is assumed it was received.

Since your return from the North, many press notices have come to the attention of the Department reciting various excursions made by you to Ellesmere Island. It is reported a number of musk-ox were killed, and that you engaged in trapping and brought out with you the pelts of the animals secured.

We were aware you had a permit, under the Migratory Birds Convention Act, to take certain birds for scientific purposes, but we were not aware you had licenses to hunt or trap, or to trade or traffic, or to take or kill musk-ox. Possibly you relied on Section 27(3) of the North West Game Regulations, which provides that game may be lawfully hunted by explorers or surveyors engaged in exploration, survey or other examination of the country, but this applies only when in actual need to prevent starvation.

It is customary for the Department to check closely, the ships returning from the N.W.T. and secure a statement regarding the game and the number and kind killed. As it is altogether likely questions will be asked in Parliament regarding your expeditions to Canadian Territory, I am directed to request you to furnish a full statement regarding this matter, also an assurance that the expedition was of a purely scientific nature and so far as Canada is concerned, not engaged in the business of trading or trafficking in furs.

Since your departure in 1923, a number of amendments have been made to the Game Regulations — one amendment provides that no person, not even survivors or explorers[,] may hunt, kill or molest musk-ox at any time of year, except under a special permit from the Minister. Enclosed is a copy of the Regulations with amendments to date.

Yours truly,

[O.S. Finnie],
Director.

Dr. Donald B. MacMillan,
Managing Director, The MacMillan Arctic Association,
626 Tremont Bldg., Boston, Mass., U.S.A.

330.

Letter from Director, Northwest Territories and Yukon Branch, Department of the Interior, to Commissioner, Royal Canadian Mounted Police
Lettre du directeur, Secteur des Territoires du Nord-Ouest et du Yukon, ministère de l'Intérieur, au commissaire, Royale gendarmerie à cheval du Canada
LAC/BAC, RG 18, vol. 3757, file/ dossier G-516-37

Ottawa, 24th October, 1924.

Dear Colonel Starnes,

In connection with the preparation of our estimates for next year I have been discussing with Mr. Craig and Mr. Henderson our plans for work in the North, and beg to submit the results of our conference to you for your consideration.

In the first place it still seems most necessary that a post should be established somewhere in the vicinity of Cape Sabine. This, you will remember, was the point mentioned as of greatest importance when the matter of establishing these posts in the North was first brought up, on account of its proximity to Greenland. From our experience with Dr. MacMillan this year it would appear that it is still of very great importance and I am convinced that unless we have a post somewhere in this vicinity there will be frequent occasions for regret.²⁷⁵

It would appear also that, in view of the severity of conditions there, it might be preferable to arrange for the establishment of a temporary post next year in the vicinity of Cape Sabine, i.e., simply to send up material for a small building and supplies and stores for a small personnel. The supplies for the post proper might be taken in the following year by which time it would be possible to select the very best site for the post with the advantage of a year's experience on the part of the men who have been in the temporary

²⁷³ Order-in-Council: Décret du Conseil 1924-555, approved on 8 April 1924, approuvé le 8 avril 1924. See/ Voir LAC, RG 2, vol. 1350.

²⁷⁴ *Regulations for the Protection of Game in the Northwest Territories — together with appendices setting forth definitions and statutory provisions under the North West Game Act, and explanatory notes and an explanatory statement regarding payment of bounties on wolves* (Ottawa: Northwest Territories and Yukon Branch, 1924).

²⁷⁵ Marginal note/ Note marginale :

Yes small [document form: document dechre] is being arranged for [Colonel Starnes]

post. If this policy proved satisfactory, it might be adopted in the selecting of sites for posts to be established in the future.

It might also be advisable to secure, if possible, permission from the Danish authorities to establish this temporary post at Etah, or at some other point on the Greenland side, in case our ship were not able to proceed far enough North on the Canadian side owing to unfavourable ice conditions.²⁷⁶ In view of the hospitality which the Danes extended to Dr. MacMillan there should be no difficulty about this.

It is our intention this year, if we can secure the necessary funds, to charter a ship in England and send 600 or 700 tons of Welsh coal to Dundas Harbour to establish a coal depot there, so that in future our ships will not have to leave Quebec so heavily loaded. It seems to us that it might be advisable to send the lumber, sash[es] and doors for a complete post to Dundas Harbour on the ship that takes our coal there.²⁷⁷ This would relieve our own ship of just that quantity of freight in 1926 by which time the permanent site of the Kane Basin post would have been determined upon. This material for the post could be easily carried by a ship taking 600 or 700 tons of coal, whereas for the C.G.S. "Franklin", which we will probably be using by that time entirely, it would be the work of two trips from Quebec to carry that quantity of bulky freight and it would have to be done either partly in 1925 and partly in 1926, or by two trips in 1926. Captain Bernier, who is now in England has been instructed to procure quotations so that the probable difference in cost between purchasing lumber in England and here may be ascertained.

We understand that it may be possible for you, before many years, to procure sufficient coal from Ponds Inlet to supply your posts but the suggestion has been made that until this becomes possible the stoves and ranges used in your posts might be altered, if necessary, so that they can burn the same coal as we purpose sending to Dundas Harbour. This would further decrease our freight from Quebec each year by from 75 to 100 tons.²⁷⁸

If it is found impossible to establish a permanent post in Kane Basin by 1926 there is still the possibility of establishing a post farther to the westward of Lancaster Sound, say at Melville Island. This post would in time form a connecting link in the North between your eastern posts and those to the westward. It seems, however, that with a ship like the C.G.S. "Franklin", speedy enough to be able to wait in the vicinity of Etah for favourable ice conditions for reaching Cape Sabine, it should be possible to reach that post every year. The trouble, in the past, has been that the C.G.S. "Arctic" was so slow that she could not afford to wait at Etah for favourable ice conditions as this might delay her so long that she might be frozen in.

I would be pleased to have your comments on this suggestion.

Yours truly,

O.S. Finnie,
Director.

Colonel Cortlandt Starnes,
Commissioner, Royal Canadian Mounted Police,
Ottawa.

²⁷⁶ Marginal note:/ Note marginale :

[Document torn/ Document déchiré] for supplies. [Cortlandt Starnes]

²⁷⁷ This plan was not carried out./ Ce plan ne fut pas réalisé.

²⁷⁸ Marginal note:/ Note marginale :

Would not be suitable. [Cortlandt Starnes]

331.

Letter from Donald MacMillan to Director, Northwest Territories and Yukon Branch, Department of the Interior

Lettre de Donald MacMillan au directeur, Secteur des Territoires du Nord-Ouest et du Yukon, ministère de l'Intérieur

LAC/BAC, RG 85, vol. 14, file/ dossier 20-MacMillan

Boston, October 27, 1924.

Mr. A.S. Finnie,
Department of the Interior,
Ottawa, Canada.

Dear Sir:-

Amid the rush of getting away for the Arctic in 1923, I failed to notify you of the receipt of the Northwest Game Act and regulations, for which I thank you.

The main objects of my expedition were purely scientific, a study of terrestrial magnetism and atmospheric electricity. Since the north magnetic pole is located in Canadian territory these results, a copy of which will be forwarded in due time, are of more real value to your government than our own or any other in the world.

My work was also geological, meteorological and botanical.

The expedition, as you know, wintered not in Canadian waters but in Refuge Harbor, North Greenland. Nothing in Canadian territory was trapped or killed or traded for by me or a single member of my personnel, else you would have received notice immediately upon my return and check forwarded for hunting and trading license.

Very truly yours,

D.B. MacMillan

332.

Despatch from Secretary of State for the Colonies to Governor General

Dépêche du secrétaire d'État aux Colonies au gouverneur général

LAC/BAC, RG 7 G-21, vol. 406, file/ dossier 8486

Downing Street,
29 October, 1924.

Confidential.

My Lord,

I have the honour to request Your Excellency to inform your Ministers that the Norwegian Minister has addressed a semi-official communication²⁷⁹ to the Foreign Office in which he states that in May 1900 the Norwegian explorer Captain Sverdrup took possession, in the name of the King of Norway, of the so-called Otto Sverdrup Islands (comprising Ellef Ringnes, Amund Ringnes, Axel Heiberg, Kong Christian and North Cornwall Islands). These islands had been discovered and mapped out by Captain Sverdrup, and a cairn was built at 80° 55' and the necessary documents placed there in a metal box.²⁸⁰

²⁷⁹ Despite several searches, this cairn has never been located. Accordingly, the exact contents of the document or documents in it are not known. In his narrative, Sverdrup said nothing about a territorial claim on this occasion. See Sverdrup, *New Land: Four Years in the Arctic Regions* (trans. Ethel Hartman).

The Norwegian Minister observes that later on several Canadian expeditions went north, though he does not know whether they came as far as the Sverdrup Islands; but it appears from Canadian publications that the Canadian Government maintain that they have special rights in these regions and if need be, intend to put them forward if other nations should make any territorial claims.

The Norwegian Minister states that it is not the intention of his Government to claim sovereignty over these islands, but that they probably would like to be informed by Canada on what basis they base their rights, a démarche similar to one made by Dr. Nansen vis à vis His Britannic Majesty's Government on March 4th 1907 with regard to South Orkney, South Shetland and Graham Land.²⁸⁰ Should Canada maintain their special right he thinks his Government would desire to point out that in regard to the discovery and work of Captain Sverdrup, Norwegians should meet with no difficulty in the future if they might desire to pursue some material interests in these islands.

Monsieur Vogt adds that as his Government will not claim the sovereignty but only reserve a possible material interest, he thinks it would be best to avoid a formal diplomatic procedure, and that the Norwegian Consul General at Montreal should lay before the Canadian Government, with whom the decision will rest, the Norwegian point of view.

Hearn, vol. 1 (London: Longmans, Green, 1904), p. 404. Sverdrup's diary indicates that he placed only a brief record of his journey in the cairn, without leaving any document stating his territorial claim. He appears to have considered that the act of raising the flag was sufficient to take possession. In the diary, he outlined a very broad claim, including the Bache Peninsula; the shores of Buchanan Bay and Princess Marie Bay; the southern and western coasts of Ellesmere Island; and the full extent of the new lands he had found, whatever their limits might be. Entry for 5 May 1900, Sverdrup journal, Fram Museum, Oslo.

Malgré plusieurs recherches, ce cairn n'a jamais été retrouvé. Par conséquent, le contenu exact du document ou des documents qu'il contenait n'est pas connu. Dans son narratif, Sverdrup ne dit rien sur la revendication territoriale à cette occasion. Voir Sverdrup, *Quatre années dans les glaces du pôle*, traduit et abrégé par Charles Rabot, Paris, Flammarion, s.d. [1904], p. 256. Le journal de Sverdrup indique qu'il plaça seulement un bref compte rendu de son voyage dans le cairn, sans laisser aucun document indiquant sa revendication territoriale. Il semble avoir jugé suffisant de planter le drapeau pour assurer la prise de possession. Dans le journal, il indique une revendication très large, incluant la presque île Bache, les côtes de la baie Buchanan et de la baie Princesse Marie, les côtes au sud et à l'ouest de l'île d'Ellesmere et la totalité des nouvelles terres qu'il avait découvertes, quelles que leurs limites puissent être. Entrée du 5 mai 1900, journal de Sverdrup, musée du Fram, Oslo.

From 1902 onwards Sverdrup lobbied for an official government claim to the lands he had discovered, but without success. A partir de 1902 et par la suite, Sverdrup fit pression pour que le gouvernement revendique officiellement les terres qu'il avait découvertes, mais sans succès.

See/ Voir Thorleif Tobias Thorleifsson, "Norway 'Must Really Drop Their Absurd Claims Such as That to the Otto Sverdrup Islands' Bi-Polar International Diplomacy: The Sverdrup Islands Question, 1902-1930," Master's thesis, Simon Fraser University, 2006, pp. 14, 17.

²⁸⁰ Beginning in May 1906, the Norwegian government addressed a series of communications to the Foreign Office regarding sovereignty over Antarctic islands. The purpose was not to challenge British sovereignty but rather to determine whether Norwegian whalers should apply for British licences, which they subsequently did.

A compter de mai 1906, le gouvernement norvégien envoya une série de communications au Foreign Office concernant la souveraineté sur des îles de l'Antarctique. L'objectif ne consistait pas à remettre en question la souveraineté britannique, mais plutôt de déterminer si les baleiniers norvégiens devaient demander des permis britanniques, ce qu'ils firent par la suite.

See/ Voir J.N. Tønnessen and A.O. Johnsen, *The History of Modern Whaling*, trans. R.I. Christophersen (Berkeley: University of California Press, 1982), pp. 178-181.

In reply to this letter the Norwegian Minister is being informed that the procedure he proposes would be agreeable to His Majesty's Government."

I have the honour to be,
My Lord,
Your Lordship's most obedient,
humble Servant,
J.H. Thomas

Governor General, His Excellency, General, the Right Honourable,
Lord Byng of Vimy, G.C.B., G.C.M.G., M.V.O.,
etc., etc., etc.

333.

Letter from Commissioner, Royal Canadian Mounted Police, to Director, Northwest Territories and Yukon Branch, Department of the Interior
Lettre du commissaire, Royale gendarmerie à cheval du Canada, au directeur, Secteur des Territoires du Nord-Ouest et du Yukon, ministère de l'Intérieur
LAC/BAC, RG 85, vol. 268, file/ dossier 1003-6

Ottawa, 4th Nov, 1924.

Dear Mr. Finnie:-

Referring to your letter of the 24th ultimo, on the subject of next year's arrangements in the Eastern Arctic.

I agree with your suggestion respecting Cape Sabine. A small house and the establishment of a temporary detachment will be arranged for next year, with the view of selecting the best site for a permanent detachment the following year. In case it is not possible to land the detachment and supplies at Kane Basin, I have asked to the Department of External Affairs to request the Danish Government to permit us to land the stores at Etah, Greenland. These could be taken to Bache Peninsula during the winter by dog teams.

[...]

Before I give any decision respecting the shipment of lumber and building supplies from England for a complete Post, to be held at Dundas Harbour, I would like further information regarding the comparative cost of such lumber and supplies.

[...]

Your suggestion of the establishment of a detachment at Melville Island in 1926, will be kept in mind, and if the "FRANKLIN" comes up to expectations²⁸¹ in speed in navigating

²⁸¹ This document was forwarded to the Department of External Affairs and may have contributed to the lack of serious Canadian alarm about Norway's later statement that it might make a claim based on Sverdrup's discoveries.

Ce document envoyé au ministère des Affaires extérieures pourrait avoir contribué à ce que les responsables canadiens fussent peu de cas de la déclaration ultérieure faite par la Norvège selon laquelle elle pourrait faire une revendication fondée sur les découvertes de Sverdrup.

See: Voir LAC/BAC, RG 25, vol. 1386, file dossier 1924-1339-C.

²⁸² The *Franklin* was never used for northern work. On hearing that the Department of the Interior had acquired its own vessel, the Department of Marine and Fisheries demanded the return of the *Arctic*. Since the *Franklin* was not large enough to carry out the work among islands a coal depot had been placed in the north, it was arranged to transfer the *Franklin* to Marine and Fisheries in place of the *Arctic*. See Craig memo, 7 January 1925, LAC, RG 85, vol. 755, file 4676. The *Arctic* made a final

the Northern waters, we can discuss the advisability of the establishment of this detachment later.

Yours very truly,

Cortlandt Starnes
Commissioner.

O.S. Finnie, Esq.,
Director of N.W. Territories and Yukon [Branch],
Ottawa, Ont.

334.

Letter from Assistant Private Secretary to Secretary of State for the Colonies to Governor General's Secretary

Lettre du secrétaire particulier adjoint du secrétaire d'État aux Colonies au secrétaire du gouverneur général

LAC/ BAC, RG 7 G-21, vol. 406, file/ dossier 8486

Downing Street,
12th November, 1924.

Dear Mr. Sladen,

With reference to the Secretary of State's telegram† of the 8th November to the Governor General requesting the cancellation of our confidential despatch of the 29th October about the Otto Sverdrup Islands, I have been asked to explain that subsequent to the sending of that despatch, the Norwegian Minister asked the Foreign Office that his original enquiry might be regarded as purely private and confidential. It appears that Monsieur Vogt had not received any instructions from his government and he was particularly anxious that no further action should be taken or mention made to the Norwegian Consul-General in Montreal about his enquiry, until he hears officially from Christiania. It seemed best in the circumstances to ask that our despatch should be cancelled.

Yours sincerely

W.C. Hankinson

A.F. Sladen, Esq., C.M.G., C.V.O.

voyage in 1925. From 1926 until 1931 the *Beothic* (a large, modern steel ship, owned by Job Brothers of St. John's, Newfoundland) was chartered.

Le *Franklin* ne fut jamais utilisé pour des travaux dans le nord. En apprenant que le ministère de l'Intérieur avait acquis son propre navire, le ministère de la Marine et des Pêcheries exigea le retour de l'*Arctic*. Puisque le *Franklin* n'était pas suffisamment grand pour effectuer le travail seul avant qu'un dépôt de charbon ne soit installé dans le nord, le *Franklin* fut transféré à Marine et Pêcheries à la place de l'*Arctic*. Voir note de Craig, 7 January 1925, BAC, RG 85, vol. 755, dossier 4676. L'*Arctic* fit un dernier voyage en 1925. De 1926 à 1931, le *Beothic* (un gros navire en acier moderne, propriété de Job Brothers de St. John's, Terre-Neuve) fut affrété.

335.

Memorandum from Director, Northwest Territories and Yukon Branch, to
Departmental Solicitor, Department of the Interior

Note du directeur, Secteur des Territoires du Nord-Ouest et du Yukon, à l'avocat de
ministère, ministère de l'Intérieur

LAC/ BAC, RG 85, vol. 85, file/ dossier 202-2-1

[Ottawa,] 27th November, 1924.

Memorandum:-

K.R. Daly,

Departmental Solicitor.

I am referring to you our file [] regarding the question of licensing foreign explorers and scientists in the N.W.T.

This matter has been under discussion for some time¹ and you, Colonel Starnes and myself had a conference on the matter in June last. It was decided that the question should be submitted to you as "Departmental Solicitor" to report what legislative action should be taken to give the N.W.T. Council authority to deal with this important matter.

I think that scientific investigation and research should not be unduly restricted, but I also think when this work is being carried on by foreigners that it should be done not only with the knowledge of this Government, but with their consent and written permission.

A number of foreign scientists and explorers have very recently been in the N.W.T. Dr. Rasmussen who is an excellent man in every way has made a very complete study of the Eskimo, not only of Greenland, but of Canada, Labrador, Alaska, and Siberia. I am told he has taken tons of specimens and other material out of our country. It seems too bad that all these specimens and curios are lost to our national museums. No doubt Dr. Rasmussen's work is of a bona fide nature, but I think we should know exactly what is being done on his various parties and if possible, secure some of the specimens for our own museums. If a permit system were adopted, some such arrangement could be made before a permit was granted.

We also had, last summer, and for several years previous, the case of Dr. MacMillan, an American explorer. Our information seems to [prove] conclusively that, although he had his main camp at Refuge Harbour, Greenland, he made a number of excursions to Canadian Territory - Ellesmere Island, and killed some of our musk-ox. He has denied this, but nevertheless he goes into our country without our knowledge or consent and what he does, is a closed book so far as the Canadian Government is concerned.

I think another clause should be added to Section 8 of the N.W.T. Act, giving [the Northwest Territories] Council authority to issue licenses or permits to scientists or explorers before they are allowed to enter or carry on work of this nature within the Territories.

I would be glad if you would look into the matter and let me know how we should proceed.

O.S. Finnie

¹ See Von Finnie to Craig, 13 March 1924, and Craig to Finnie, 14 March 1924, also in this press, in dossier 202-2-1.

336.

Despatch from Secretary of State for the Colonies to Governor General

Dépêche du secrétaire d'État aux Colonies au gouverneur général

LAC/ BAC, RG 25, vol. 2667, file/ dossier 9057-B-40

Copy/ Copie

Downing Street,
18 December, 1924.

No. 581Confidential.

My Lord,

With reference to the Duke of Devonshire's Confidential despatch of the 4th of November, 1922, I have the honour to transmit to Your Excellency, for the information of your Ministers, the accompanying copies of a note, dated the 17th of November, from the Chargé d'Affaires of the Union of Soviet Socialist Republics forwarding a communication addressed to various powers by the Soviet Government on the question of territories and islands lying to the north of Siberia over which the Soviet Government claims sovereignty, and of a further note, dated the 28th of November, requesting that the contents of the communication may be conveyed to the Dominion Governments. I enclose also a copy of the reply returned to M. Rakovski's note of the 17th of November.

I have the honour to be,
My Lord,
Your Lordship's most obedient,
humble servant,
[L.S. Amery]

Governor General His Excellency General the Right Honourable
Lord Byng of Vimy, G.C.B, G.C.M.G., M.V.O.,
&c., &c., &c.

Enclosure 1: Note from Chargé d'affaires, Embassy of Union of Soviet Socialist
Republics in United Kingdom, to Secretary of State for Foreign Affairs
Pièce jointe 1 : Note du chargé d'affaires, ambassade de l'Union des républiques
socialistes soviétiques au Royaume-Uni, au secrétaire d'État aux Affaires étrangères
Copy/ Copie

CR/8714.

Monsieur Rakovsky, Chargé d'Affaires of the Government of the Union of Soviet Socialist Republics presents his compliments to the Secretary of State for Foreign Affairs [Austen Chamberlain], and in accordance with instructions received from his Government, has the honour to enclose herewith a copy of a communication addressed to various powers on the question of the Polar territories and islands belonging to the Union of Soviet Socialist Republics.

[Christian Rakovsky]

[London,] 17th November, 1924.

Enclosure 2: Notification from Government of Union of Soviet Socialist Republics
Pièce jointe 2 : Notification du gouvernement de l'Union des républiques socialistes
soviétiques
Copy/ Copie

Le Gouvernement de l'Union des R.S.S. qui eut itérativement l'occasion de constater des violations des droits territoriaux de l'Union commises par des étrangers par rapport à certaines îles qui se trouvent près de la côte septentrionale de la Sibirie, se voit obligé de déclarer à toutes les Puissances ce qui suit :

Au mois de Septembre 1916, le Gouvernement Russe avait notifié²⁸⁴ à toutes les Puissances soit alliées, soit neutres, que les îles énumérées ci-dessous forment une partie intégrante du territoire russe, notamment : l'île du général Wilkitzki, la terre de l'Empereur Nicolas II, l'île du tsesarevitch Alexei, les îles Starokadomski, Novopachenni, Henriette, Jeannette, Bennett, Herold et Ouyedimene qui forment ensemble avec les îles de la Nouvelle-Sibirie, Wrangel et autres se trouvant près du littoral asiatique de la Russie, la continuation septentrionale du plateau continental sibérien. En même temps une carte fut communiquée aux Puissances, sur laquelle les territoires mentionnés dans cette déclaration du Gouvernement Russe étaient indiqués.

En confirmant encore une fois, vu les événements récents, l'appartenance territoriale de ces îles à la RSFSR, le Gouvernement de l'Union fait en outre ressortir que les îles et terres mentionnées situées dans les eaux baignant les côtes septentrionales de la Sibirie, sont situées à l'ouest de la ligne qui en vertu de l'article premier de la Convention de Washington entre la Russie et les Etats-Unis d'Amérique en date du 18-30 mars 1867²⁸⁵ définit les limites à l'ouest desquelles les Etats-Unis d'Amérique se sont engagés de ne formuler aucune revendication.

Le Gouvernement Fédéral de l'URSS attire sur les faits ci-dessus exposés l'attention sérieuse de toutes les Puissances, dont les explorateurs soit gouvernementaux soit privés, ainsi que les bateaux visitent ou visiteront à l'avenir les eaux et territoires mentionnés de l'Union. Le Gouvernement de l'URSS espère que tous les Gouvernements que cela concerne prendront les mesures nécessaires pour prévenir des infractions à la souveraineté de l'Union de la part de leurs citoyens sur ces territoires. Le Gouvernement Fédéral de l'Union, en faisant usage de ses droits souverains sur ces territoires exigera satisfaction des Gouvernements qui soutiendraient ou se trouveraient liés à l'organisation de pareilles infractions ou qui les laisseraient impunies contrairement aux principes généraux du droit des gens et aussi aux obligations contractées en vertu de traités.

[Moscou,] 4 Novembre, 1924.

²⁸⁴ See/ Voir doc. 286, enclosures/ pièces jointes 2, 3.

²⁸⁵ See/ Voir doc. 221, footnote 40 note en bas de page 40.

**Enclosure 3: Letter from Secretary of State for Foreign Affairs to Chargé d'affaires,
Embassy of Union of Soviet Socialist Republics in United Kingdom**
**Pièce jointe 3 : Lettre du secrétaire d'État aux Affaires étrangères au chargé
d'affaires, ambassade de l'Union des républiques socialistes soviétiques au Royaume-
Uni**

Copy/ Copie

Foreign Office, S.W.1.
27th November, 1924.

No. N 8583/8583/57.

Sir,

I have the honour to acknowledge the receipt of your note No. C.R. 8714 of November 17th on the subject of the territories and islands lying to the North of Siberia, over which your government claims sovereignty, the contents of which have been noted.

I have, etc.,

(for the Secretary of State
[Austen Chamberlain])
[J.D. Gregory]

Monsieur Christian G. Rakovski,
etc., etc., etc.

**Enclosure 4: Note from Chargé d'affaires, Embassy of Union of Soviet Socialist
Republics in United Kingdom, to Secretary of State for Foreign Affairs**
**Pièce jointe 4 : Note du chargé d'affaires, ambassade de l'Union des républiques
socialistes soviétiques au Royaume-Uni, au secrétaire d'État aux Affaires étrangères**
Copy/ Copie

CR/8987.

Monsieur Rakovsky, Charge d'Affaires of the Government of the Union of Soviet Socialist Republics, presents his compliments to the Secretary of State for Foreign Affairs, and with reference to his Note of November 17th, concerning Polar territories and islands belonging to the Union of Soviet Socialist Republics, is instructed by his Government to request that the contents of the communication submitted therein be conveyed to the Governments of the Dominions.

Further, he is instructed to state that any attempts made by citizens of the Dominions to land in the islands and territories enumerated in the above-mentioned communication will be considered a violation of the sovereignty of the Union of Soviet Socialist Republics over these territories.

[Christian Rakovsky]

[London,] November 28th, 1924.

PART FOUR/ QUATRIÈME PARTIE

1925-1928

337.

Letter from Director, Northwest Territories and Yukon Branch, Department of the Interior, to Donald MacMillan

Lettre du directeur, Secteur des Territoires du Nord-Ouest et du Yukon, ministère de l'Intérieur, à Donald MacMillan

LAC/BAC, RG 85, vol. 14, file/ dossier 20-MacMillan

Copy/ Copie

[Ottawa.] 14th January, 1925.

Dear Sir,

I understand from various articles appearing in the press since your return last fall, that in all probability you will again undertake the leadership of an expedition to the North this season.

I am naturally unaware of the objects of the proposed expedition or of what part of the North it is your intention to visit, but in view of the fact that in 1923, my letter to you, written just before you sailed, reached you too late to be answered, I venture at this early date to enclose for your information, should your itinerary include a visit to Ellesmere Island or other Canadian territory, a copy of the North West Game Act, the amendment thereto, and Regulations thereunder, and would draw your attention particularly to the regulations regarding hunting, trapping, trading and trafficking. These licenses, the fees for which are liable to revision at any time by Order in Council, may be obtained from this office or from any Royal Canadian Police Post in the North West Territories.

If it is your intention to visit Canadian territory, I should be pleased to have, at your convenience, some particulars regarding the expedition and its objects and would suggest that you make application to the Canadian National Parks Branch, Department of the Interior, Ottawa for a permit similar to that furnished you on your last voyage, authorizing you to collect specimens of migratory game, migratory insectivorous, and migratory non-game birds and their nests and eggs for scientific purposes in the North West Territories during the years 1925 and 1926.¹

Yours truly,

[O.S. Finnie],
Director.

Dr. Donald B. MacMillan,
The MacMillan Arctic Association,
626 Tremont Building, Boston, Mass., U.S.A.

¹Finnie received no reply to this letter. Finnie ne reçut aucune réponse à cette lettre.

338.

**Memorandum from Departmental Solicitor, Department of the Interior, to Director,
Northwest Territories and Yukon Branch**

**Note de l'avocat de ministère, ministère de l'Intérieur, au directeur, Secteur des
Territoires du Nord-Ouest et du Yukon**

LAC/ BAC, RG 85, vol. 85, file/ dossier 202-2-1

Ottawa, 10th March, 1925.

Memorandum:

Mr. Finnie,

Director of Northwest Territories [and Yukon Branch]

I think an amendment to the Northwest Territories Act is called for to meet conditions referred to in your memorandum of the 27th November, last, to me, hereunder.

As it is more or less a matter of a local and private nature, it might be dealt with by an ordinance, but as our big trouble, if any, will be of an international character, I think an amendment to the Act itself is desirable.

I enclose a draft, herewith, and if the Commissioner approves I can take it up to Mr. Troop and have it introduced in the House.

K.R. Daly

Departmental Solicitor.

Enclosure: Draft Bill

Pièce jointe : Ébauche de projet de loi

AN ACT TO AMEND THE NORTHWEST TERRITORIES ACT

R.S.C. c. 62; 1907, c. 12; 1908, c. 49; 1913, c. 13; 1921, c. 40; 1923, c. 21

His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

The Northwest Territories Act, Chapter sixty-two of the Revised Statutes of Canada, 1906, is amended by adding the following paragraph after paragraph (p) of Section 8:

(q) The issuing of licenses or permits to scientists or explorers who wish to enter the said Territories and the prescribing of the conditions under which such licenses or permits may be granted in each case, and the penalties for infractions of such conditions.

K.R. D[aly]

339.

**Note from Acting Consul General of Norway [to Secretary or Under-Secretary of
State for External Affairs]**

**Note du consul général par intérim de Norvège [au secrétaire ou sous-secrétaire
d'État aux Affaires extérieures]**

LAC/ BAC, RG 25, vol. 2960, file/ dossier 1

Copy/ Copie

Montreal, March 12th, 1925.

Sir,

I have been requested by my Government to obtain, for their orientation, some information from the Canadian Government with regard to the following matter:

The second Norwegian Polar expedition on board the ship "Fram", under the leadership of Captain Otto Sverdrup, in 1900 discovered certain islands situated between the Canadian mainland and the North Polar regions. These islands were mapped by Captain Sverdrup and his men and were called "Axel Heibergs O" (Axel Heiberg's Island), "Ellet Ringnes O", "Amund Ringnes O", and "Kong Christians O". It has come to the knowledge of the Norwegian Government that these islands have been included in a report regarding "Canadian Arctic Islands," published by the Canadian Department of the Interior in connection with an expedition which the Canadian Government sent in 1922 to the islands situated north of Canada, and also that the above named islands, discovered by Captain Sverdrup, have been included in the list of geographical names published in the "Eighteenth Report of the Geographic Board of Canada, containing all decisions to 31st March, 1924."³

The Norwegian Government have instructed me to apply to the usual kind assistance of the Canadian Department of External Affairs at Ottawa in order to be informed as to whether the Canadian Government contend that said islands belong to the Dominion of Canada, and, if so, on what basis such claim of sovereignty is founded.

I beg to emphasize that the instructions received by me only are given to ask for information for the orientation of my Government.

With my thanks in advance for your kind information in the matter,⁴

I have the honour, etc.,

[S. Steckmest]

Acting Consul General of Norway

³ J.D. Craig, *Canada's Arctic Islands. Log of Canadian Expedition, 1922* (Ottawa: F.A. Acland, 1923); *Les îles canadiennes de l'Océan arctique : journal de l'expédition canadienne de 1922*, Ottawa, F.A. Acland, 1924.

⁴ *Eighteenth Report of the Geographic Board of Canada, containing all Decisions to 31 March, 1924* (Ottawa: F.A. Acland, 1924), pp. 13, 24, 240. *Dix-huitième rapport de la Commission de géographie du Canada, contenant toutes les décisions jusqu'au 31 mars 1924*, Ottawa, F.A. Acland, 1924, p. 16, 27, 258.

The official naming of Axel Heiberg Island and the two Ringnes islands by Canada was not new. The names were formally approved on 8 December 1905 and announced in the 1906 report of the Geographic Board. See IAC, RG 21, vol. 153, file 41, and *Sixth Report of the Geographic Board of Canada, containing all Decisions to June 30, 1906*, Sessional Papers, 1907, vol. 41-9, no. 21a, pp. 14, 56. The name King Oscar Land given by Sverdrup to the southwestern part of Ellesmere Island had previously been rejected. See *Fifth Report of the Geographic Board of Canada, containing all Decisions to June 30, 1904*, Sessional Papers, 1905, vol. 39-9, no. 21a, p. 35.

La désignation officielle de l'île Axel Heiberg et des deux îles Ringnes par le Canada n'était pas chose nouvelle. Les noms furent officiellement approuvés le 8 décembre 1905 et annoncés dans le rapport de 1906 de la Commission de géographie. Voir BAC, RG 21, vol. 153, dossier 41, et *Sixième rapport annuel de la Commission de Géographie du Canada, contenant toutes les décisions jusqu'au 30 juin 1906*, Documents de la Session, 1907, vol. 41-9, n° 21a, p. 14, 51. Le nom de « King Oscar Land » (donné par Sverdrup à la partie sud-ouest de l'île d'Ellesmere) avait précédemment été rejeté. Voir *Cinquième rapport annuel de la Commission de Géographie du Canada, contenant toutes les décisions jusqu'au 30 juin 1904*, Documents de la Session, 1905, vol. 39-9, n° 21a, p. 32.

⁴ This note was immediately forwarded by External Affairs to the Department of the Interior. At the time Sir Joseph Pope was on the verge of retirement and O.D. Skelton had not yet taken up his appointment as the new Under Secretary of State for External Affairs. Cette note diplomatique fut immédiatement envoyée par les Affaires extérieures au ministère de l'Intérieur. À ce moment, sir Joseph Pope était sur le point de prendre sa retraite et O.D. Skelton n'avait pas encore commencé à assumer ses responsabilités comme nouveau sous-secrétaire d'État aux Affaires extérieures.

340.

Memorandum from Director, Northwest Territories and Yukon Branch, to Deputy Minister of the Interior

Note du directeur, Secteur des Territoires du Nord-Ouest et du Yukon, au sous-ministre de l'Intérieur

LAC/ BAC, RG 85, vol. 85, file/ dossier 202-2-1

Ottawa, 13th March, 1925.

Memorandum;—

W.W. Cory, Esq., C.M.G.,
Deputy Minister, Interior.

Will you kindly see my memorandum to Mr. Daly of the 27th November last, and his reply thereto of the 10th instant.

At the last meeting of the N.W.T. Council,⁵ Colonel Starnes, Mr. Daly and myself were appointed a committee to report on the action which should be taken to restrict or control the entry of foreign scientists and explorers to the N.W.T.

Mr. Daly has now reported that this matter could best be controlled by making an addition to Section 8 of the N.W.T. Act, giving the Commissioner in Council authority to issue permits to scientists and explorers on whatever terms [are] deemed advisable. I think this is the proper procedure.

Another case has recently arisen where a German, Mr. H.K.E. Krueger, wishes to go into the Eastern Arctic, cross Ellesmere and spend five years on the islands to the West. He frankly admits he intends to take several White men and the usual following of Natives including dogs. He admits also he intends to "live off the country".⁶ There is no doubt if he carries out his intentions and lives in the manner outlined, at the expiration of five years, there will not be a musk-ox left in the whole country. At present, we have no authority to prohibit or curtail such an expedition and something must be done to control it.

There is one other amendment to the N.W.T. Act, that is the one giving the Commissioner in Council authority to levy an export tax on furs caught within the Territory. I am not aware whether the Minister desires to present this amendment again. You will remember it received its first reading last year, but did not get any further.

I think both these amendments should be placed before the House and if you agree, I will again refer the matter to Mr. Daly in order that he may draft the required amendment to the Act.⁷

O.S. Finnie

⁵ This meeting was held on 12 June 1924. Cette réunion fut tenue le 12 juin 1924. See Voir LAC/ BAC, MG 9 G-1, reel/ bobine M-811.

⁶ See/ Voir Krüger to Finnie, 17 January 1925, LAC/ BAC, RG 85, vol. 756, file/ dossier 4725.

Marginal notes:/ Notes marginales :

M^r Daly For his views. W.W. C[ory]

Have Dom Govt not got the right to admit or exclude people from any part of Can. inc[uding the] N.W.T.[?] —W.W. C[ory]

341.

Memorandum from Deputy Minister of the Interior to Director, Northwest Territories and Yukon Branch

Note du sous-ministre de l'Intérieur au directeur, Secteur des Territoires du Nord-Ouest et du Yukon

LAC/BAC, RG 85, vol. 584, file/dossier 571

Ottawa, 14th March 1925.

Memorandum:-

Mr. Finnie.

I am sending you herewith an exchange of correspondence⁸⁷ between this office and the Under-Secretary of State for External Affairs, on the subject of the ownership of certain islands in the North Polar regions.

Will you please draft a memorandum which can be used as the basis for a formal reply by the Department of External Affairs.⁹

W.W. Cory
Deputy Minister.

342.

Letter from Captain of CGS *Arctic* to Director, Northwest Territories and Yukon Branch, Department of the Interior

Lettre du capitaine du CGS *Arctic* au directeur, Secteur des Territoires du Nord-Ouest et du Yukon, ministère de l'Intérieur

LAC/BAC, RG 85, vol. 584, file/dossier 571

Quebec, March 26th, 1925.

Mr. O.S. Finnie,

Director, North West Territories & Yukon [Branch],
Ottawa, Ont.

Dear Sir,-

You have drawn my attention to a very important matter in regard to the probable claim, from the Norwegian Government, of Axel Heiberg island, Amund Ringnes island, Aller Ringnes island.

In this connection I beg to state that if you will be kind enough to refer to the Volume entitled "New Lands of Otto Sverdrup 1898-1902" you will observe that he named the above islands according to the parties who assisted him in fitting out his expedition, and that he did not take possession of these lands for Norway.

⁸⁷ See: Voir doc. 339, footnote - note en bas de page.

⁹ On receiving this request, Finnie evidently asked both James White and Joseph Bernier for their views (see docs 342, 343). He took no action on Bernier's recommendations, but accepted White's theories regarding Canada's sovereignty over the entire Arctic archipelago. See Introduction. Lorsqu'il reçut cette demande, Finnie souleva selon toute vraisemblance l'avis de James White et de Joseph Bernier (voir docs 342, 343). Il ne donna pas suite aux recommandations de Bernier, mais accepta les théories de White concernant la souveraineté du Canada sur tout l'archipel arctique. Voir l'introduction.

During my expedition of 1906-1907 I landed on Cone island and raised a cairn built by Sverdrup, and brought to Canada at the time and delivered to the Department of Marine and Fisheries, the charts and records that had been left in said parts by Sverdrup.¹⁰ On the 12th August, 1907, I directed the 2nd Officer of the C.G.S. "ARCTIC" to land a record and official document on King Edward Point, about four miles south of Craig Harbour, thereby taking possession of the following: Lincoln Land, Grennell Land, Grant Land, Ellesmere Land, Axel Eiberg Island, Amund Ringnes Island, Allef Ringnes Island, North Cornwall, Findlay Island, Graham Land, Table Island, also all adjacent islands to Ellesmere land. A copy of this document will be found in my report of 1906-1907. Later Steffansen again took possession of Sverdrup Islands at the same time a[s?] Meighen Island, Borden Island and Findlay Island and reclaimed them for the Dominion of Canada.¹¹

If the Government of Canada wishes to reaffirm possession of these parts I would respectfully suggest that this year we should go up Wellington channel, as far North as Arthur Fiord, and land a party there in the fall. This party could proceed during the latter part of the winter and affirm possession of Axel Eiberg, Amund Ringnes, Allef Ringnes and King Christian islands, the latter was not taken by Sverdrup or by myself. The same party could return to Craig Harbour; this point could be discussed later. The reason I propose to land the party at Arthur Fiord is because it is the closest point to where the "Arctic" could go without risk of being caught. This would lengthen our voyage by a total of 600 miles, which would mean much more consumption of coal. With judiciale choice of three men, two Eskimo families and dogs, this trip could be made without any risk. The party would return to Craig Harbour, where requisite provisions would be left for them.

I beg to submit this to your consideration if it should be thought that there is danger of losing the islands, but the matter should be kept confidential so as not to arouse the attention of Norway.

Yours obediently,

J.E. Bernier

¹⁰ Bernier later donated these documents to the Public Archives; they are now in LAC, MG 30 B-6. Bernier fit don plus tard de ces documents aux Archives publiques; ils se trouvent maintenant dans BAC, MG 30 B-6.

¹¹ Stefansson did not carry out any ceremonies to assert possession of the Sverdrup Islands. He visited Ellef Ringnes, Amund Ringnes, and King Christian Islands, but did not raise the flag or leave sovereignty declarations on any of them. Stefansson ne procéda à aucune cérémonie pour revendiquer la possession des îles Sverdrup. Il se rendit dans les îles Ellef Ringnes, Amund Ringnes et King Christian, mais n'y planta pas de drapeau ni ne laissa de déclarations de souveraineté.

See Stefansson's diary for July 1916. Voir le journal de Stefansson pour juillet 1916, in dans LAC BAC, MG 30 B-81, vol. 4, and et Stefansson, *The Friendly Arctic* (New York: Macmillan, 1921), pp. 525-536.

343.

Letter from Technical Adviser, Department of Justice, to Director, Northwest Territories and Yukon Branch, Department of the Interior
 Lettre du conseiller technique, ministère de la Justice, au directeur, Secteur des Territoires du Nord-Ouest et du Yukon, ministère de l'Intérieur
LAC/BAC, RG 85, vol. 584, file/dossier 571

Ottawa, April 4th, 1925.

Mr. O.S. Finnie,

Director, North West Territories and Yukon Branch,
 Dept. of Interior, Ottawa, Ontario.

Dear Mr. Finnie:—

I am sending herewith two copies¹ of my memorandum respecting the "Sverdrup Expedition".

Owing to the lack of time I have not had the corrected pages retyped. This, however, you can readily have done in your office.

You will note that I have omitted all reference to any acts of taking possession of Ringnes Islands by Stefansson,² because I regard such acts as being in derogation of Canada's title, as set forth in my memo. To raise the Canadian flag subsequent to discovery by Sverdrup was a tacit admission that our title was defective, whereas, I have endeavoured to state a claim to the effect that these islands, though undiscovered, were our possessions both by contiguity and as forming part of the Canadian archipelago.³

Yours faithfully,

James White
 Technical Adviser.

Enclosure: Memorandum by Technical Adviser, Department of Justice
Pièce jointe : Mémoire du conseiller technique, ministère de la Justice

MEMORANDUM RE "SVERDRUP EXPEDITION" 1898-1902.

This expedition may be conveniently discussed under two heads,

(1) Action by the Expedition which might form the basis of a claim to the islands discovered, and,

(2) The status of such claim in International Law.

FLAG-RAISING BY SVERDRUP EXPEDITION

The Sverdrup Expedition, 1898-1902, made discoveries in the Canadian Arctic archipelago, the principal discoveries being the insular areas named by them Axel Heiberg, Amund Ringnes and Ellef Ringnes islands. Axel Heiberg island was discovered in 1900 and the Ringnes islands in 1901.

¹ The second copy is in: La deuxième copie se trouve dans LAC/BAC, RG 28, vol. 2960, file/dossier 1.

² See/ Voir doc. 228 and et doc. 342, footnote/ note en bas de page.

⁴ Marginal note/ Note marginale :

Duplicate [of] M^r Whites report handed to D^r Skelton Monday 6th Apl 25. O.S. F[innie]

Sverdrup, the commander of the Expedition, states in his book, "New Land, Four Years in the Arctic Regions,"¹⁵ that the Norwegian flag was hoisted on the following occasions:

(1) Sverdrup states that, on 5th May 1900, they erected a cairn on the west coast of Axel Heiberg island, in latitude 80°-55. "On the top of the cairn we placed a tall stone, in which Fosheim made a hole with a chisel for a flagstaff, which bore the Norwegian flag". (Vol. I, p. 404).¹⁶

(2) On 10th May 1900, Sverdrup's party erected a cairn at Landsend on southwestern Ellesmere island in approximate latitude 76°-50, and left their "Norwegian flag waving from the top of it". (Vol. I, p. 490).

(3) The Norwegian flag was hoisted in 1900 at Sverdrup's winter quarters in southwestern Ellesmere island on Norwegian holidays, etc. (Vol. I, pp. 453-454).

(4) On 17th May 1901, the Norwegian national holiday, "The camp was decorated with flags". This camp was on Schei island, latitude 80°-32 and longitude 87°-40. (Vol. II, p. 215).

(5) On the 17th May 1902, Sverdrup says that "our pretty Norwegian flag waved from the roof its greeting from the land and folk we held so dear". (Vol. II, p. 381).¹⁷

The foregoing are the only specific statements in Sverdrup's narrative respecting raising the Norwegian flag in the area explored by him. The raising of the flag to celebrate Norwegian national holidays may be eliminated from consideration. It now remains to consider the others which are numbered above as (1) and (2).

(a) The flag-raising of the 10th May 1900, on Ellesmere island. The reference to this occurrence indicates that the returning party simply left the flag flying but did not raise it as an act of taking possession. Furthermore, Kent island, five miles distant had been discovered by the Belcher expedition, 1853 and the south shore of Ellesmere island to longitude 84° W had been discovered and formally taken possession of by the British navigator Inglefield in 1852.

These facts and the date contained in the narrative, therefore, exclude this particular flag-raising as having any national significance.

(b) Having eliminated all other flag-raising[s], the flag-raising on Axel Heiberg island on 5th May 1900 remains to be considered. All that can be said about it is that in the account of the occurrence there is no statement that it was intended to be an act of taking possession.¹⁸

In summing up the results of the expedition, Sverdrup says "An approximate area of one hundred thousand square miles had been explored and, in the name of the Norwegian King, taken possession of" (Vol. II, pp. 449-450).

¹⁵ Sverdrup, *New Land, Four Years in the Arctic Regions*, trans. Ethel Harriet Hearn, 2 vols (London: Longmans, Green, 1904) *Quatre années dans les glaces du pôle*, traduit et abrégé par Charles Rabot, Paris, Flammarion, s.d. [1904].

¹⁶ See/ Voir doc. 332, footnote/ note en bas de page.

¹⁷ On 8 May 1902, Sverdrup also left a small cairn at Lands Lokk, Ellesmere Island, which was the northernmost point he reached (latitude 81° 40' N). See *New Land*, vol. 2, pp. 369-370. However, Sverdrup's journal says nothing about a territorial claim on this occasion. Le 8 mai 1902, Sverdrup laissa aussi un petit cairn à Lands Lokk sur l'île d'Ellesmere, le point le plus septentrional qu'il atteignit (latitude 81° 40' N). Voir *Quatre années dans les glaces du pôle*, p. 399-401. Cependant, le journal de Sverdrup ne dit rien sur une revendication territoriale à cette occasion.

¹⁸ It is possible that White had seen doc. 332 and was aware that greater significance had been attributed by the Norwegian government to this flag-raising than Sverdrup's narrative would seem to warrant. Il est possible que White ait vu le doc. 332 et qu'il ait été conscient que le gouvernement norvégien avait accordé une plus grande importance au lever du drapeau que le récit de Sverdrup ne semble l'indiquer.

On 27th April, 1901, members of Sverdrup's expedition sighted land to the west of their camp but did not land on it or survey it. They assumed it to be the northern portion of Findlay Island, discovered by two British naval officers - Richards and Osborn - in 1883, and named it "King Christian's Land".

In 1916, Stefánsson, commanding the Canadian Government expedition, made a survey of it and discovered that it was an insular area lying to the east of Findlay (or Longhead) Island.

NATIONAL STATUS OF HEIBERG, RINGNES, ELLESMERE AND OTHER ISLANDS IN THE CANADIAN ARCTIC ARCHIPELAGO

"The territorial property of a State consists in the territory occupied by the state community and subjected to its sovereignty, and it comprises the whole area, whether of land or water, included within definite boundaries ascertained by occupation, prescription, or treaty, together with such inhabited or uninhabited lands as are considered to have become attendant on the ascertained territory through occupation or accretion, and, when such area abuts upon the sea, together with a certain margin of water". ("A Treatise on International Law" By W E. Hall, 6th ed., Oxford, 1909, p. 101).

A State may acquire territory by

- (a) Occupation,
- (b) Cession from another State,
- (c) Prescription through the operation of time,
- (d) By accretion through the operation of nature,
- (e) Discovery followed by occupation.

Respecting the effect of discovery and appropriation without settlement, Hall says:

"In the early days of European exploration it was held, or at least every state maintained with respect to territories discovered by itself, that the discovery of previously unknown land conferred an absolute title to it upon the state by whose agents the discovery was made. But it has now been long settled that the bare fact of discovery is an insufficient ground of proprietary right. It is only so far useful [in] that it gives additional value to acts in themselves doubtful or inadequate. Thus when an unoccupied country is formally annexed an inchoate title is acquired, whether it has or has not been discovered by the state annexing it; but when the formal act of taking possession is not shortly succeeded by further acts of ownership, the claim of a discoverer to exclude other states is looked upon with more respect than that of a mere appropriator, and when discovery has been made by persons competent to act as agents of a state for the purpose of annexation, it will be presumed that they have used their powers, so that in an indirect manner discovery may be alone enough to set up an inchoate title.

An inchoate title acts as a temporary bar to occupation by another state, but it must either be converted into a definitive title within reasonable time by planting settlements or military posts, or it must at least be kept alive by repeated local acts showing an intention of continual claim. What acts are sufficient for the latter purpose, and what constitutes a reasonable time, it would be idle to attempt to determine. The effect of acts and of the lapse of time must be judged by the light of the circumstances of each case as a whole. It can only be said, in a broad way, that when territory has been duly annexed, and the fact has either been published or has been recorded by monuments or inscriptions on the spot, a good title has always been held to have been acquired as against a state making settlements within such time as, allowing for accidental circumstances or moderate negligence, might elapse before a force or a colony were sent out to some part of the land intended to be occupied, but that in the course of a few

years the presumption of permanent intention afforded by such acts has died away, if they stood alone[;] and that more continuous acts or actual settlement by another power became a stronger root of title. On the other hand, when discovery, coupled with the public assertion of ownership, has been followed up from time to time by further exploration or by temporary lodgments in the country, the existence of a continued interest in it is evident, and the extinction of a proprietary claim may be prevented over a long space of time, unless more definite acts of appropriation by another state are effected without protest or opposition.

In order that occupation shall be legally effected it is necessary, either that the person or persons appropriating territory shall be furnished with a general or specific authority to take possession of unappropriated lands on behalf of the state, or else that the occupation shall subsequently be ratified by the state. In the latter case it would seem that something more than the mere act of taking possession must be done in the first instance by the unauthorised occupants. If, for example, colonists establishing themselves in an unappropriated country declare it to belong to the state of which they are members, a simple adoption of their act by the state is enough to complete its title, because by such adoption the fact of possession and the assertion of intention to possess, upon which the right of property by occupation is grounded, are brought fully together. But if an uncommissioned navigator takes possession of lands in the name of his sovereign, and then sails away without forming a settlement, the fact of possession has ceased, and a confirmation of his act only amounts to a bare assertion of intention to possess, which, being neither declared upon the spot nor supported by local acts, is of no legal value. A declaration by a commissioned officer that he takes possession of territory for his state is a state act which shows at least a momentary conjunction of fact and intention; where land is occupied by unauthorised colonists, ratification, as has been seen, is able permanently to unite the two; but the act of the uncommissioned navigator is not a state act at the moment of performance, and not being permanent in its local effects it cannot be made one afterwards, so that the two conditions of the existence of property by occupation, the presence of both of which is necessary in some degree, can never co-exist.

There is no difference of opinion as to the general rule under which the area affected by an act of occupation should be determined. A settlement is entitled, not only to the lands actually inhabited or brought under its immediate control, but to all those which may be needed for its security, and to the territory which may fairly be considered to be attendant upon them. When an island of moderate size is in question it is not difficult to see that this rule involves the attribution of property over the whole to a state taking possession of any one part."¹⁹

In the foregoing, Hall nullifies the effect of Sverdrup's discoveries as establishing a title, when he says that "if an uncommissioned navigator takes possession of lands in the name of his sovereign, and then sails away without forming a settlement, the fact of possession has ceased, and a confirmation of his act only amounts to a bare assertion of intention to possess; which being neither declared upon the spot, nor supported by local acts, is of no legal value".

In short, the acts of Sverdrup, "an uncommissioned navigator", had "no legal value".

As to Sverdrup's status, while the Norwegian Parliament voted a small sum — \$5,400.00 — for alterations to the "Fram", this act did not make it, in any sense, a Norwegian Government expedition and his own statement is conclusive. He says: "My warmest thanks

¹⁹ William Edward Hall, *A Treatise on International Law*, 6th edn, ed. J.B. Atlay (Oxford: Clarendon Press, 1909), pp. 102-105.

are due to my owners Consul Axel Heiberg and Messrs. Amund and Eilef Ringnes, who by their generosity sent out the expedition."

As stated by Hall: "Title by discovery gives only an inchoate title, that is, it acts as a temporary bar to occupation by another state but must either be converted into a definitive title within a reasonable time by planting settlements or military posts, or it must at least be kept alive by repeated local acts showing an intention of continual claim. What acts are sufficient for the latter purpose, and what constitutes a reasonable time — must be judged in the light of circumstances of each case as a whole. When discovery, coupled with the public assertion of ownership, has been followed up from time to time by further exploration or by temporary lodgments in the country, the existence of a continued interest in it is evident, and the extinction of a proprietary claim may be prevented over a long space of time, unless more definite acts of appropriation by another state are effected without protest or opposition".

Norway, during a period of one-quarter of a century has neither planted "settlements or military posts" nor has she kept her claim alive "by local acts showing an intention of continual claim".

Again, Norway has not made a "public assertion of ownership" nor has she carried out "further exploration" nor has she made "temporary lodgments in the country" whereas Canada has made definite claims of ownership without protest or opposition.

Having discussed the lack of validity of title due to Sverdrup's discoveries, it now remains to consider the basis and nature of the title of Canada.

It may be premised that Canada claims all the islands in the archipelago that forms the "hinterland" of the Dominion. That claim is based upon discovery, upon control, upon contiguity and upon tacit acquiescence in the official assertions by Canada.

(a) Control.

In determining the boundary between British Guiana and Venezuela, the arbitrators dealt with a large area of country, which, in the early days, was inhabited by natives only. The Dutch — the predecessors in title of Great Britain — exercised control over the natives of the hinterland of the territory they occupied on and near the sea-shore. The award recognised that such control constituted effective occupation.

Similarly, Great Britain and Canada have exercised control over the natives of the mainland of Canada and of the Arctic islands between Greenland and the 141st [meridian]. It is true that the Heiberg and Ringnes islands are not inhabited by natives or white men but it is highly probable that they were so occupied by the Eskimo even in historic times and, since then, have not been occupied by any one else.

With the exception of Heiberg, Ringnes, Meighen, Borden, Brock and some smaller islands, all the known insular areas in the Canadian Arctic archipelago were discovered and formally taken possession of by British commissioned navigators from a century to three-quarters of a century ago and such acts of possession were formally announced to the world in British Government blue-books.

In 1880, Great Britain, by Imperial Order in Council of 31st July 1880, transferred the Arctic archipelago to Canada. The Order provided that "all British territories and possessions in North America and the islands adjacent to such territories and possessions, which are not already included in the Dominion of Canada, should (with the exception of the colony of Newfoundland and its dependencies) be annexed to and form part of the said Dominion".

In 1913-1918 Vilhjalmur Stefánsson, commanding an expedition, formally commissioned by the Dominion of Canada, made further explorations in the Canadian

archipelago. He discovered Meighen, Borden, Brock and some smaller islands and made further surveys of Amund Ringnes, Ellef Ringnes and King Christian islands. He found that the last named, instead of being the northern portion of Findlay island, as Sverdrup supposed, was a separate island.

In 1670, King Charles II granted a charter to the Hudson's Bay Company. By virtue thereof, the Company, for two centuries, exercised a proprietary government over the area covered by its charter and established posts throughout the Arctic drainage basin of the mainland of Canada.

Since the sale of its rights and privileges to the British crown and the transfer thereof to Canada, the Hudson's Bay Company and other fur-trading companies have extended their operations to the Arctic islands and have established posts therein, thus exercising a control over practically the whole of the native population.

The Canadian Government has established police posts on Ellesmere, Devon and Baffin islands in the eastern portion of the archipelago and at other points in the western portion of the area, these posts being so placed as to dominate the whole of the archipelago, thus furnishing all the control required to maintain its title.

(b) Contiguity.

Sir Travers Twiss (quoted by Westlake in "International Law", Part I, 1910, pp. 117-118) says: "When a nation has discovered a country and notified its discovery, it is presumed to intend to take possession of the whole country within those natural boundaries which are essential to the independence and security of its settlement." And the same authority says that "where the control of a district left unoccupied is necessary for the security of a state and not essential to that of another, the principle of vicinitas would be overruled by higher considerations, as it would interfere with the perfect enjoyment of existing rights of established domain".²⁰

In 1824, Mr. Rush,²¹ United States Minister at London, wrote: "It will not be denied that the extent of contiguous territory to which an actual settlement gives a prior right must depend in a considerable degree on the magnitude and population of that settlement, and on the facility with which the vacant adjoining land may within a short time be occupied, settled and cultivated by such population, as compared with the probability of its being thus occupied and settled from another quarter". (Quoted by Westlake, I, pp. 116-117).

In 1844, Mr. Calhoun, U.S. Secretary of State, wrote Mr. Pakenham, British Minister at Washington: "That continuity furnishes a just foundation for a claim of territory, in connection with those of discovery and occupation would seem unquestionable. It is admitted by all, that neither of them is limited by the precise spot discovered or occupied. It is evident that, in order to make either available, it must extend at least some distance beyond that actually discovered or occupied; but how far, as an abstract question, is a matter of uncertainty ... How far the claim of continuity may extend ... can be settled only by reference to the circumstances attending each."²²

²⁰ For Twiss's original comments, see his Pour les commentaires originaux de Twiss, voir son *The Law of Nations Considered as Independent Political Communities: On the Rights and Duties of Nations in Time of Peace*, 2nd edn (Oxford: Clarendon, 1884), p. 205, and *et The Oregon Question Examined* (London: Longman, Brown, Green, and Longmans, 1846), p. 174.

²¹ This quotation is actually by Albert Gallatin. It is correctly attributed to him later in the document. Cette citation est en réalité d'Albert Gallatin. Elle lui est correctement attribuée plus tard dans le document.

²² Calhoun to Pakenham, 3 September 1844, in dans *Oregon: The Claim of the United States to Oregon, as Stated in the Letters of the Hon. J.C. Calhoun and the Hon. J. Buchanan ... to the Right Hon. R. Pakenham* (London: Wiley and Putnam, 1846), p. 8.

The term "Sphere of Influence" has no very definite meaning as yet, but indicates "the regions which geographically are adjacent to or politically group themselves" naturally with the possessions of the power claiming such sphere.

Canada's possessory rights in her Arctic islands are, of course, much greater and more definite than those indicated by the term "Sphere of Influence" but the principles of law set forth in the above definition materially strengthen the claim of Canada.

In 1826, Mr. Gallatin, negotiator on behalf of the United States, said:

"The actual possession and populous settlements of the valley of the Mississippi including Louisiana, and now under one sovereignty, constitute a strong claim to the westwardly extension of that province over the contiguous vacant territory, and to the occupation and sovereignty of the country as far as the Pacific Ocean."

It will not be denied that the extent of contiguous territory, to which an actual settlement gives a prior right, must depend, in a considerable degree, on the magnitude and population of that settlement, and on the facility with which the vacant adjoining land may, within a short time, be occupied, settled, and cultivated by such population, as compared with the probability of its being thus occupied and settled from another quarter."

As to the relative probability of settlement or control by Norway – as compared with Canada – there can be no question.

Axel Heiberg island is six geographical miles from Ellesmere island, which was taken possession of by a British naval expedition three-quarters of a century ago, and Amund Ringnes island and Ellef Ringnes island are eight and twenty-five miles, respectively, distant from Cornwall island, which also became British territory in 1853. King Christian Island is twenty-five miles from Endlay island, discovered by a British expedition in 1853.

Although West Spitzbergen island is 425 miles from the mainland of Norway, the Government of Norway laid claim to the Spitzbergen group on the ground of contiguity. Although these islands were discovered by an Englishman, Sir Hugh Willoughby, in 1533³⁴ four centuries ago, Norway's claim was formally conceded about nine years ago and it is understood that Great Britain strongly advocated such recognition.

³⁴ Gallatin, "American Counter-statement annexed to the Protocol of the seventh Conference [19 December 1826]," in/ dans *Message from the President of the United States, Transmitting the Correspondence between this Government and that of Great Britain, for the Settlement of the Claims of the Two Governments to the Territory West of the Rock Mountains, March 28, 1828* (Washington: Gales and Skaton, 1828), pp. 64-65.

³⁵ The question of which nation first discovered Spitzbergen is disputed. Willoughby was almost certainly not the original discoverer. La question de savoir quelle nation découvrit la première le Spitzberg est contestée. Il est presque certain que Willoughby n'était pas le découvreur original.

³⁶ The Spitzbergen (Svalbard) Treaty was signed in 1920. See "Treaty concerning the Archipelago of Spitzbergen," *League of Nations Treaty Series*, vol. 2, no. 1, pp. 7-19. Le traité de Spitzberg (Svalbard) fut signé en 1920. Voir « Traité relatif à l'Archipel du Spitzberg », *Société des Nations, Recueil des traités*, vol. 2, n° 1, p. 7-20.

³⁷ The official attitude of the United Kingdom varied between neutral and supportive, the British were never strong advocates of Norwegian sovereignty. L'attitude officielle du Royaume-Uni varia entre neutre et favorable; les Britanniques ne furent jamais de chauds partisans de la souveraineté norvégienne.

See/ Voir Trygve Mathisen, *Svalbard in International Politics 1871-1925: The Solution of a Unique International Problem* (Oslo: Norsk Polarinstitut, 1954), pp. 123-125, 129-130, 132-133.

If Norway's claim to the Spitzbergen islands is conceded on the grounds of contiguity,²⁷ how can she take exception to Canada's claim to islands that are from six to twenty-five miles distant from lands which have been conceded to be British territory for three-quarters of a century but which are 2,500 miles distant from Norway?

(c) Prescription.

Oppenheim says ("International Law", second edition, 1912, vol. 1,²⁸ pp. 294-295):

"No rule of the Law of Nations exists which makes notification of occupation to other Powers a necessary condition of its validity. But as regards all future occupations on the African coast the Powers assembled at the Berlin Congo Conference in 1884-1885 have by article 34 of the General Act of this conference²⁹ stipulated that occupation shall be notified to one another, so that such notification is now a condition of the validity of certain occupations in Africa. And there is no doubt that in time this rule will either by custom or by treaty be extended from occupations on the African coast to occupations everywhere else."

With reference to Melville, Cornwallis and other islands of the Canadian Arctic archipelago, such taking possession was formally notified to the world and, for three-quarters of a century and more, has been unopposed.

In this connection, it is pertinent to point out that, in the British Guiana-Venezuela arbitration,³⁰ it was decided that unopposed occupation for 50 years, constituted a valid title.

Oppenheim says (p. 295) that "the extent of an occupation ought only to reach over so much territory as is effectively occupied". He then recites that, in the past, "interested States have neither in the past nor in the present acted in conformity with such a rule; on the contrary, they have always tried to attribute to their occupation a much wider area". After stating national contentions for the wider view, he continues:

"In truth, no general rule can be laid down beyond the above, that occupation reaches as far as it is effective ... the fact that flying columns of the military or police sweep, when necessary, remote spots, and many other facts, can show how far round the settlements the possessor is really able to assert the established authority. But it will always be difficult to mark exactly in this way the boundary of an effective occupation, since

²⁷ The report on Spitsbergen produced during the 1919 Paris Peace Conference cited proximity, as well as the extensive Norwegian commercial interests in Spitsbergen, as reasons for giving sovereignty to Norway. However, White conceded that although contiguity was the ostensible basis for the decision, the desire to reward Norway for its neutral yet helpful stance during the First World War was likely the main factor.

Le rapport sur le Spitzberg produit pendant la Conférence de paix de Paris de 1919 était la proximité ainsi que les intérêts commerciaux norvégiens étendus au Spitzberg comme des raisons pour attribuer la souveraineté à la Norvège. Cependant, White concéda que bien que la contiguïté fut la base avouée de cette attitude, le désir de récompenser la Norvège d'être demeurée neutre, tout en se rendant utile, pendant la Première Guerre mondiale fut probablement le facteur principal.

See Voir Commission du Spitzberg, « Rapport au Conseil suprême au sujet du Spitzberg », LAC BAC, RG 25, vol. 1249, file dossier 1919-30176-D, and et White to Skelton, 1 May 1925, RG 25, vol. 1347, file/ dossier 1923-289.

²⁸ [Jassa] Oppenheim, *International Law: A Treatise*, vol. 1, 2nd edn (London: Longmans, Green, 1912)

²⁹ "General Act of the Conference at Berlin," *British and Foreign State Papers*, vol. 76 (London: William Ridgway, 1892), pp. 4-20.

³⁰ "Award regarding the Boundary between the Colony of British Guiana and the United States of Venezuela: Decision of 3 October 1899"/ « Sentence arbitrale relative à la frontière entre la colonie de Guyane britannique et les États-Unis du Venezuela: Décision du 3 octobre 1899 », *Reports of International Arbitral Awards/ Recueil des sentences arbitrales*, vol. 28, pp./ p. 331-340.

naturally the tendency prevails to extend the sway constantly and gradually over a wider area. It is, therefore, a well-known fact that disputes concerning the boundaries of occupations can only rarely be decided on the basis of strict law." (p. 296)

As to the area affected by an act of occupation, Hall says that:

"A settlement is entitled not only to the [lands] actually inhabited or brought under its immediate control, but to all those which may be needed for its security, and to the territory which may fairly be considered to be attendant upon them"

"Title by prescription arises out of a long-continued possession, where no original source of proprietary right can be shown to exist. The principle upon which it rests is essentially the same as that of the doctrine of prescription which finds a place in every municipal law, although in its application to beings for whose disputes no tribunals are open, some modifications are necessarily introduced. The object of prescription as between states is mainly to assist in creating a stability of international order which is of more practical advantage than the bare possibility of an ultimate victory of right."

Wheaton says that "The uninterrupted possession of territory, or other property for a certain length of time, by one state, excludes the claim of every other, in the same manner as, by the law of nature and the municipal code of every civilized nation, a similar possession by an individual excludes the claim of every other person to the article of property in question."

Lord Salisbury in a dispatch³¹ bearing date 18 March, 1896, says "There is no enactment or usage or accepted doctrine which lays down the length of time required for international prescription, and no full definition of the degree of control which will confer territorial property on a nation, has been attempted. It certainly does not depend solely on occupation or the exercise of any clearly defined acts. All the great nations in both hemispheres claim, and are prepared to defend, their rights to vast tracts of territory which they have in no sense occupied, and often have not fully explored. The modern doctrine of 'Hinterland', with its inevitable contradictions, indicates the unformed and unstable condition of international law as applied to territorial claims resting on constructive occupation or control".

In the Venezuela Boundary case, it was agreed that:

"(a) Adverse holding or prescription during the period of fifty years shall make a good title. The arbitrators may deem exclusive political control of a district, as well as actual settlement thereof, sufficient to constitute adverse holding or to make title by prescription.

(b) The arbitrators may recognise and give effect to rights and claims resting on any ground whatever, valid according to international law, and on any principles of international law which the arbitrators may deem to be applicable to the case and which are not in contravention of the foregoing rule".

³¹ Hall, *Treatise*, pp. 104-105.

³² *Ibid.*, p. 119.

³³ Henry Wheaton, *Elements of International Law*, 8th edn (London: Stevens and Sons, 1904), p. 261.

³⁴ Salisbury to Sir Julian Pauncefote, 18 March 1896, United Kingdom, Parliamentary Papers (Command Papers, C. 8105, *Correspondence between the Governments of Great Britain and the United States, with respect to Proposals for Arbitration* (London: Her Majesty's Stationery Office, 1896), pp. 10-12; quotation on/ citation à la page 12.

In 1904, only a few months after the publication of Sverdrup's book, the Government of Canada published a map.³⁵ On that map the boundary of the Arctic archipelago, on the east, is delineated by a line passing through the middle of Robeson channel – waters separating the Canadian islands from Greenland – and thence northward to the Pole, and, on the west, by the 141st meridian from the mainland northward to the Pole.

This official map was published twenty-one years ago and obviously, a tacit acquiescence, during over a fifth of a century, on the part of Norway and all other nations, bars their claim to protest the Canadian claim.

In conclusion, it should be pointed out that it is obvious that the specific rules of international law that are considered by the best authorities to be applicable to the torrid and temperate zones are, in such cases as the Canadian Arctic archipelago, not applicable with the same strictness. The effect of measures of control, of contiguity and of settlement must be given very much greater weight than would normally be attached to similar measures in more temperate and habitable regions.

[James White]

344.

Memorandum from Deputy Minister of the Interior to Director, Northwest Territories and Yukon Branch

Note du sous-ministre de l'Intérieur au directeur, Secteur des Territoires du Nord-Ouest et du Yukon

LAC/BAC, RG 85, vol. 584, file/ dossier 571

Ottawa, 7th April, 1925.

Memorandum.—

Mr. Finnie.

I have recently sent to you a number of reference letters† received through the Department of External Affairs indicating that there will be a number of expeditions into the Canadian Arctic this year under the auspices of other nations. I told you that it would be well to go over this whole situation with Dr. Skelton, who has just been appointed Under-Secretary of State for External Affairs, so that there will be a full understanding between the two Departments on this subject.

Our Minister [Charles Stewart] thinks that it would be well to prepare a memorandum to Council on the subject of British Sovereignty in the Arctic Archipelago, setting forth our claims and the reasons therefor. You have a fairly complete file on the subject and I think that when Mr. Loring Christie was legal adviser for the Department of External Affairs, he prepared certain memoranda on the same subject. In the preparation of this memorandum to Council you should collaborate with Dr. Skelton so that the first draft may be made as complete as possible.³⁶

W.W. Cory
Deputy Minister.

³⁵ Department of the Interior. Ministère de l'Intérieur. "Explorations in Northern Canada and Adjacent Portions of Greenland and Alaska." This map was included in W.F. King's report. Cette carte était incluse dans le rapport de W.F. King. See/ Voir doc. 138, footnote/ note en bas de page.

³⁶ Marginal note/ Note marginale :

Mr. W.M. Cory[:] You were going to investigate this matter. O.S. F[innie]

W.M. Cory does not seem to have played any significant role in sovereignty discussions. W.M. Cory ne semble pas avoir joué un rôle important dans les discussions sur la souveraineté.

345.

Letter from Director, Northwest Territories and Yukon Branch, Department of the Interior, to Under-Secretary of State for External Affairs
 Lettre du directeur, Secteur des Territoires du Nord-Ouest et du Yukon, ministère de l'Intérieur, au sous-secrétaire d'État aux Affaires extérieures
LAC/ BAC, RG 25, vol. 2667, file/ dossier 9057-A-40

Ottawa, 7th April, 1925.

Dear Dr. Skelton,

I handed to you yesterday a memorandum, prepared by Mr. James White, in connection with the ownership of certain Islands situated between the Canadian Mainland and the North Polar regions. It contained information requested in a letter addressed to you [sic] on the 12th March last, by the Acting Consul General of Norway, at Montreal.

During my interview with you, I undertook to furnish you with a copy of "Canada's Arctic Islands, 1922", referred to in the Acting Consul General's letter, also a copy of the map of the North West Territories, indicating where posts had recently been established by this Department and that of the Royal Canadian Mounted Police.

If there is any other information you require I will be very glad to supply it if possible.

Yours truly,

O.S. Finnie,
 Director.

Dr. O.D. Skelton,
 Department of External Affairs,
 Ottawa.

346.

Letter from Surveyor General to Director, Northwest Territories and Yukon Branch, Department of the Interior
 Lettre de l'arpenteur général au directeur, Secteur des Territoires du Nord-Ouest et du Yukon, ministère de l'Intérieur
LAC/ BAC, RG 85, vol. 14, file/ dossier 20-MacMillan

Ottawa, 15th. April, 1925.

Dear Mr. Finnie:—

Will you please note the attached clipping¹ from the Montreal Gazette of the 11th inst. regarding MacMillan's plans for the coming summer. You will note that he goes north fully equipped with radio and that he expects apparently to go north from Utah by aeroplane.

It really seems too bad that we could not have gone on with our proposed experimental air station at Pond's Inlet [or] Dundas Harbor as suggested in 1922 by Major Logan.² As it

¹ Doc. 343, enclosure, pièce jointe.

² Skelton replied that the material would help him to understand the situation, and that he would request further information if required. Skelton répondit que le matériel l'aiderait à comprendre la situation et qu'il demanderait d'autres renseignements au besoin.

See: Voir Skelton to Finnie, 8 April, LAC/ BAC, RG 85, vol. 584, file/ dossier 571.

³ "MacMillan Will Endeavor to Find Arctic Continent," *Montreal Gazette*, 11 April 1925, p. 11.

⁴ See: Voir LAC/ BAC, RG 85, vol. 610, file/ dossier 2718.

is, the best we can do is to try again with the old C.G.S. Arctic and let the Norwegians, the British and the Americans make their attempts with aeroplanes and dirigibles.

Apart altogether however from this despatch I gather incidentally that it is quite possible that no attempt will be made this year to complete the establishment of the R.C.M.P. post at Cape Sabine or at Bache Peninsula. I understand that Commissioner Starnes is rather of the opinion that in addition to being probably a very uncomfortable post, it is not very necessary that his force should be represented so far north. I may say that I do not at all agree with him and I think that we should bring all pressure possible to bear on the authorities to have the establishment of this post completed, especially in view of the fact of this latest announcement of McMillan. Inspector Wilcox, I believe, is still in favour of this and agrees with our original plan by which Sabine, although the furthest north, was regarded as the most important of all the posts to be established on account of its proximity to Greenland and to the crossing point used by the Eskimos between Greenland and Ellesmere island.

I think that, before it is too late, that we should attempt to secure some sort of an agreement with the R.C.M.P. that this post at Cape Sabine or Bache Peninsula should be established, if at all possible, this summer.

Yours sincerely,

J.D. Craig

347.

Memorandum from Director, Northwest Territories and Yukon Branch, Department of the Interior, to Acting Commissioner of Northwest Territories
Note du directeur, Secteur des Territoires du Nord-Ouest et du Yukon, ministère de l'Intérieur, au commissaire par intérim des Territoires du Nord-Ouest
LAC/BAC, RG 85, vol. 759, file/ dossier 4834

Ottawa, 17th April, 1925.

Memorandum:—

R.A. Gibson, Esq.,

Acting Commissioner, North West Territories.

Will you kindly see the letter† of Mr. H.E. Steele immediately hereunder.

Mr. Steele has been accepted to accompany the Str. "Arctic" on her expedition this summer. He will go as Secretary to the leader of the expedition and will keep an inventory of all supplies. Apart from this, however, he will pick up any information en route which he may subsequently use in his writings.

He now makes the suggestion that the Canadian Press be kept advised from day to day of the progress being made by the Str. "Arctic". In the past it has not been the policy of the Department to make known to the public at large, what we are doing with respect to occupancy of the Northern Islands. Recently, however, you advised me that the Minister was of opinion that an Order in Council should be passed advising the World Powers that Canada claims the Northern Islands as Canadian or British possessions. I assume, therefore, that the programme of partial secrecy will be altered. In that event there would not be the same objection in allowing the Canadian Press to carry items occasionally, indicating the progress of the Arctic expedition.

We read so much in the American and Canadian Press of the MacMillan, the Amundsen and other foreign expeditions that the world at large will begin to think that Canada possesses no part whatever of the Arctic archipelago. I do not think it would do any harm

at all, in fact that it would do good, if some account appeared in the Canadian Press as to what we are doing in the Arctic.

I would recommend advising Mr. Steele that there will be no objection to the Canadian Press carrying this material but that it should all be sent to this office and we will make up a bulletin from here which may be handed to the Canadian Press."

O.S. Finnie

348.

**Letter from Knud Rasmussen to Director, Northwest Territories and Yukon Branch,
Department of the Interior**

**Lettre de Knud Rasmussen au directeur, Secteur des Territoires du Nord-Ouest et du
Yukon, ministère de l'Intérieur**

LAC/BAC, RG 85, vol. 584, file/ dossier 573

p.t. Pennsylvania Hotel, New York.
d. 19.4 1925.

O.S. Finnie, Esq.

Department of the Interior Canada

North West Territories and Yukon. Ottawa.

Dear Mr. Finnie:-

The papers have lately been stating that Mr. McMillan is going on a new trip to the arctic North with a view of exploring unknown land, this news has raised many questions in my mind. The expedition will of course be done under the "Star and Stripes", two government airships will be at his disposal, the National Geographic Society in Washington will be backing him - all this makes me assume that any new land discovered by him or his expedition will be taken in possession for the U.S.A. If that is so I feel justified in asking how Canada can grant any such right while it was made an absolute condition to me, that I should signed a statement in which I declared that under no circumstances would [I] take possession of any area in behalf of my country Denmark or any other country.

⁴ Gibson himself was opposed to this plan, but after some discussion within the Department of the Interior, it was decided to go ahead with the news stories. Minister Stewart accordingly explained to Charles Bishop of the House of Commons Press Gallery that the time had come when more publicity should be given to government activities in the Arctic (letter of 1 June 1925, also in file 4834). The articles prepared by Steele in 1925 had little or no circulation because of difficulties in transmitting them by radio, but in subsequent years press coverage of the Eastern Arctic Patrols and RCMP patrols became common.

Gibson lui-même était opposé à ce plan, mais après discussions au sein du ministère de l'Intérieur, il fut décidé de publier les articles. Le ministre Stewart put conséquemment expliquer à Charles Bishop de la tribune de la presse parlementaire de la Chambre des communes que le moment était venu de publier davantage les activités du gouvernement dans l'Arctique (lettre du 1^{er} juin 1925, aussi au dossier 4834). La diffusion des articles préparés par Steele en 1925 fut cependant restreinte, voire nulle, en raison de la difficulté de les transmettre par radio, mais au cours des années suivantes, la couverture de presse des patrouilles de l'Arctique oriental et des patrouilles de la RGCC devint chose courante.

I did sign this statement⁴² in London by the High Commission before I left. The absent of his excellency your [deputy] minister of interior [W.W. Cory] in Washington has made me believe that the MacMillan expedition also will be touched – I do hope so. I will, as a son of a small nation feel extremely sorry if any explorer from any other country would be given any right which was not given me.⁴³

yours very Truly

Knud Rasmussen.

349.

Memorandum from Director, Northwest Territories and Yukon Branch, Department of the Interior, to Deputy Commissioner of Northwest Territories

Note du directeur, Secteur des Territoires du Nord-Ouest et du Yukon, ministère de l'Intérieur, au commissaire adjoint des Territoires du Nord-Ouest

LAC/BAC, RG 85, vol. 268, file/dossier 1003-6

Copy/Copie

[Ottawa,] 20th April, 1925.

Memorandum:

Mr. R.A. Gibson,

Deputy Commissioner, N.W.T.

In case you have not seen it I enclose a copy of the memorandum I sent Mr. Cory just before he left for Washington, and which he took with him.

There is so much interest in the various expeditions now being organized to search for new land in the North, particularly the MacMillan (U.S.A.) expedition, that it seems urgent a police post be established at Bache Peninsula, Ellesmere, or as far North as the Steamer "Arctic" can get. Both the MacMillan expedition and the German expedition (under Kruger) intend to use Ellesmere and Axel Heiberg as their base for a further exploration.⁴⁴ The excuse for these explorations is "scientific investigation" and the search for new land. But one never knows. So far we have offered no protest and the American Press is so filled with matters pertaining to the MacMillan expedition that the American people will begin to think that they own the entire North and Canada is an intruder.

I notice from the Montreal Gazette, of the 17th instant,⁴⁵ that MacMillan applied to the Danish authorities for the right to carry on certain exploratory work in Greenland. The article reports that the right to visit and photograph the old Viking Settlement, in western Greenland, was granted, but that the explorer is prohibited from making excavations or removing matters of ethnological interest.

⁴² Doc. 261.

⁴³ Marginal note:/ Note marginale :

This matter was taken up with D^r Rasmussen in person when he was here between the 27 Apl and 6 May 1925. O.S. F[innie]

⁴⁴ On MacMillan's planned bases, see: Sur les bases prévues par MacMillan, voir "Two Navy Aviators to Join MacMillan," *New York Times*, 6 April 1925, p. 2.

⁴⁵ Not found, however, there is a clipping of a very brief article titled "Permission for MacMillan" in RG 85, vol. 14, file 20-MacMillan, labelled as being from the *Gazette* of 17 April./ Non retrouvé; cependant, il existe une coupure d'un très bref article intitulé « Permission for MacMillan » dans RG 85, vol. 14, dossier 20-MacMillan, étiqueté comme étant tiré de la *Gazette* du 17 avril.

No such application has been made to us by, or on behalf of, MacMillan or Kruger. The question is, should I write them or should the Secretary of State [for External Affairs] write them, pointing out that it has been observed from the Daily Press that they (MacMillan and Kruger) contemplate certain explorations in the Arctic Archipelago and, if such be the case, we will be glad, upon application, to supply them with the necessary licenses and permits and otherwise expedite their scientific enterprise. It should be further pointed out that this permission should be secured before Canadian Territory is invaded. I think such a letter should go forward from our Secretary of State for Foreign Affairs to the Secretary of State, U.S.A., and the Secretary of State, Berlin.

We also have the Norwegians asking what right we possess to Axel Heiberg and some of the other Islands. This question is now engaging the attention of Dr. Skelton. Such questions are international in their character and involve complicated problems in international law. I think it would be well to appoint a Board, or small committee, to study such problems and to report to the Commissioner and the Minister the best line of action. Such a committee might be made up of Departmental officers, who are interested in the Administration of the North, and have had experience in Northern problems. If such questions as these were left entirely to one man he might easily be guilty of a mistake in judgment, or make some error of omission or commission in law which might be far reaching in its effect. One reason we lost the panhandle of Alaska was because some individual in our Department refused to grant a homestead (I think to Captain Moore) or to recognize as Canadian Territory that part of the lands adjoining the Lynn Canal, on which the town of Skagway now stands.⁴² It was an unfortunate error in judgment.

I think, therefore, a small committee might be formed to sit and make recommendations on questions pertaining to British Sovereignty in the far North. I would suggest the following:-

- Dr. Skelton, Secretary of State for External Affairs.
- Mr. Jas. White, Technical Adviser, Justice Department.
- Col. Cortlandt Starnes, Commissioner, R.C.M.P.
- Mr. J.B. Harkin, Commissioner, Dominion Parks, Interior.
- Mr. J.D. Craig, Director General of Surveys, Interior.
- Mr. W.M. Cory, Legal Adviser, Interior.
- Mr. O.S. Finnie, Director, N.W.T. & Y., Interior.

With the privilege of calling upon any other Government official whose opinion might be of value.

The matter is submitted for your consideration.

[O.S. Finnie]

⁴² William Moore helped William Ogilvie to survey the White Pass, then settled at the future site of Skagway because he believed it would become an important place. No confirmation of the story told by Finnie has been found, and given the attitude of then-Deputy Minister Burgess on the boundary question (see docs 42, 44-47), it seems unlikely that the Department of the Interior was involved regarding the matter.

William Moore aidé William Ogilvie à faire le levé de White Pass, puis s'installa sur le site futur de Skagway parce qu'il croyait que c'en deviendrait un lieu important. Aucune confirmation de son récit de Finnie n'a été trouvée et, étant donné l'attitude de Burgess, sous-ministre à l'époque, sur la question frontalière (voir docs 42, 44-47), il semble improbable que le ministère de l'Intérieur fut impliqué quant à cette question.

Enclosure: Memorandum from Director, Northwest Territories and Yukon Branch,
 Department of the Interior, to Deputy Minister of the Interior
 Pièce jointe : Note du directeur, Secteur des Territoires du Nord-Ouest et du Yukon,
 ministère de l'Intérieur, au sous-ministre de l'Intérieur
LAC/ BAC, RG 25, vol. 2668, file/ dossier 9058-B-40
*Copy/ Copie*⁴⁷

[Ottawa,] 16th April, 1925.

Memorandum:

W.W. Cory, Esq., C.M.G.,
 Deputy Minister, Department of the Interior.

When you get across the line you will probably read a great deal in the American press regarding the proposed trip of MacMillan to the Arctic regions by airplane. As I understand it, his programme is to run his boat up Kane Basin, as far as possible, and to fly over to the northerly point of Axel Heiberg Island, where the base will be established. From that point it is proposed to fly over all that area between Axel Heiberg and the Pole and to the westward, in an endeavour to discover new land.

It is reported that MacMillan's expedition will be under the auspices of the National Geographic Society with the United States Navy co-operating unofficially. If they should winter at or use Axel Heiberg, or any other Canadian Island as an air base, I think they should first ask the permission of the Canadian Government.

I wonder if it would be advisable to ask Dr. Skelton to communicate with the Secretary of State, at Washington, drawing his attention to the press notices of the MacMillan Arctic expedition and [saying] that, if they desire to use Canadian Territory as a base, we will be glad to grant them permission to do so. At the same time if they wish to explore the regions admitted to form part of Canadian Territory we w[ould be] glad to grant the necessary permission on the condition t[h]at a Canadian pilot accompany all exploratory flights, and act [as the] Canadian Official Observer for the expedition.

There has been such an interest displayed in Arctic Territory by various nations during the last few months [that it] is in my opinion very urgent that we secure a station at [Cape] Sabine or Bache Peninsula. Apart from the MacMillan ex[pedition,] the press advise us that Amundsen has already started [on a] voyage for the Pole. He goes via Spitzbergen; ma[king an] air base I think in the north of Greenland, from wh[ich] he expects to fly to the Pole. A German, by the name of Kruger, has also been writing to us for permission to explore lands to the west of Axel Heiberg. He wishes [document torn: document déchiré] four years in that country. We have advised [him that if?] he and his party do that they probably will entirely [wipe?] out the musk-oxen. He assures us, however, that most [of the?] time will be spent on the ice where there will be no musk-oxen. His application has, however, not yet been made, for permission to use Canadian Territory. When it is, the matter will then be taken into consideration.

⁴⁷ This copy, although badly damaged, has been used because it is the only one that could be found. ' Cette copie, bien que très endommagée, fut utilisée parce que c'est la seule qu'on put trouver.

We also have the Norwegians, who are mildly [questioning our right to Axel Heberg and the Ringnes Islands. [Document torn] document déchiré] that a Norwegian, by the name of Sverdrup, discovered these islands about 1900 and want to know what right Canada [has] to them. This matter is now in the hands of Dr. Skelton and I have supplied him with all the information I can.

I have written to Dr. D.C. Scott, asking him if he is going to send a hospital to Pangnirtung this year. I do not see how he possibly can. He has not even got the money yet and it can only be voted in the Supplementary Estimates, and they will not likely be voted until about the time the boat sails. I, therefore, do not see how it is possible to have a hospital this year. In that event we can take a small building for the use of a detachment of two or three police at Cape Sabine or Bache Peninsula. Inspector Wilcox is strong for Bache Peninsula and is prepared to go.

Colonel Starnes wants to establish a police station away down the southerly end of Baffin Island, about Lake Harbour, but of course this does not interest us. It may be important from a police stand point but not from a stand point of British Sovereignty. If Dr. Scott does not send up his hospital I will advise Colonel Starnes that a station will have to be established at Bache Peninsula.

Please let me know if this meets with your approval.

[O.S. Finnie]

350.

Memorandum from Minister of the Interior to Privy Council

Note du ministre de l'Intérieur au Conseil privé

LAC/BAC, RG 2, vol. 3921

Ottawa, 20th April, 1925.

To His Excellency the Governor General in Council.

The Undersigned has the honour to direct attention to the increasing interest in the Arctic Regions and to state that in his opinion it would be advisable to place on record with all interested Governments a statement indicating the extent of territory claimed by Canada for the British Empire.

The Undersigned, therefore, recommends that for the purpose of drafting this statement for the consideration of the Government, an Interdepartmental Committee be formed to consist of the following: Mr. W.W. Cory, C.M.G., Deputy Minister of the Interior and Commissioner of the Northwest Territories, Dr. O.D. Skelton, Under-Secretary of State for External Affairs, Mr. G.J. Desbarats, C.M.G., Deputy Minister of National Defence, Mr. W. Stuart Edwards, Deputy Minister of Justice, Dr. D.C. Scott, Deputy Superintendent General of Indian Affairs, Colonel Cortlandt Starnes, Commissioner of the Royal Canadian Mounted Police, Mr. J.B. Harkin, Commissioner of Canadian National Parks, Department of the Interior, Mr. J.D. Craig, Director General of Surveys, Department of the Interior, Mr. James White, Technical Adviser, Department of Justice, Mr. W.M. Cory, Assistant Departmental Solicitor and Legal Adviser, North West Territories and Yukon Branch, Department of the Interior, Mr. O.S. Finnie, Director of Northwest Territories and Yukon Branch, Department of the Interior, the Committee to have the power to add to their numbers any official of the Government whose co-operation may be desired²⁷ or to call

²⁷ Charles Camsell and Rudolph Anderson were subsequently added to the list of members. Charles Camsell et Rudolph Anderson furent par la suite ajoutés à la liste des membres.

upon any officer of the Government who may be in a position to furnish useful information.⁴⁹

Respectfully submitted,

Chas Stewart
Minister of the Interior.

351.

Letter from Director, Northwest Territories and Yukon Branch, Department of the Interior, to Commissioner, Royal Canadian Mounted Police
Lettre du directeur, Secteur des Territoires du Nord-Ouest et du Yukon, ministère de l'Intérieur, au commissaire, Royale gendarmerie à cheval du Canada
LAC/ BAC, RG 18, vol. 3757, file/ dossier G-516-37

Ottawa, 20th April, 1925.

Dear Sir,

I am in receipt of your letter† of the 14th instant, enclosing an article⁵⁰ from the New York Times of the 7th instant, regarding the Amundsen and MacMillan Expeditions during the coming season.

These expeditions have created much public interest in Northern matters. Perhaps the interest is more in the flying operations than in the Sovereignty of the land over which they will fly. As far as I can learn, Amundsen will not touch Canadian Territory, but it is freely admitted MacMillan will establish one air base on the part of Ellesmere bordering on Kane Basin and another on Axel Heiberg Island. As both these Islands belong to Canada, it seems to me that permission should first be obtained from this Government before such bases are established.

I notice in the Montreal Gazette of the 1[7]th instant, that the Danes were requested to allow MacMillan to carry on certain work in Greenland and I do not see why similar permission should not be requested from the Canadian authorities.

In addition to the above expeditions, we also have a record of a German Expedition by one "Kruger" who wishes to proceed over Ellesmere to Axel Heiberg and continue West over the ice to the mythical "Crocker Land". All these expeditions and the public interest aroused in them, points out very forcibly, the necessity of establishing a Northern post with two or three men permanently in occupation—at least for a period of years. If these men would make a yearly patrol to Axel Heiberg and other Islands in those latitudes, it would help very materially in definitely establishing British Sovereignty. It looks as if we should try and establish a post on Bache Peninsula. I understand Cape Sabine is not a favourable location, but that Bache Peninsula offers better facilities.

You wrote me†⁵¹ a few days ago regarding establishing a post on the southern coast of Baffin Land. The establishment of such a post may be desirable from a Police standpoint but it will not be a factor in advancing our claim to or in maintaining British Sovereignty in the far North.

This year it is contemplated that a small hospital will be taken to Pangnirtung. This is now in the hands of Dr. [Duncan Campbell] Scott. If the Str. "Arctic" is obliged to

⁴⁹ Approved by Order-in-Council 1925-603 on 23 April 1925; see LAC, RG 2, vol. 1373. Approuvée par le décret du Conseil 1925-603 le 23 avril 1925; voir BAC, RG 2, vol. 1373.

⁵⁰ "Rival Arctic Explorers," *New York Times*, 7 April 1925, p. 18.

⁵¹ Not found./ Non retrouvée.

transport this hospital and its equipment. I am afraid there will not be sufficient room for a post for Bache Peninsula. If, on the other hand, the hospital is not ready or for any other reason it will not be taken, then I think we should make every effort to establish a post in the far North.

I would be glad to have an expression of your views.

Yours truly,

O.S. Finnie,
Director.

Colonel Cortlandt Starnes,
Commissioner R.C.M. Police,
Ottawa.

352.

Memorandum by Director, Northwest Territories and Yukon Branch, Department of the Interior

Note du directeur, Secteur des Territoires du Nord-Ouest et du Yukon, ministère de l'Intérieur

LAC/BAC, RG 25, vol. 2669, file/dossier 9062-C-40

Ottawa, 24th April, 1925.

STATEMENT OF POSITION CANADA'S ARCTIC ISLANDS, APRIL 1925.

It has been intimated, in private letters, official despatches and the Daily Press, that a number of foreign Arctic explorers intend carrying on their work in the Canadian Arctic Archipelago, during the coming season. Foremost among these is the American explorer Dr. Donald B. MacMillan, who has been in the Canadian Arctic on many previous voyages. [he] has spent a number of winters in the country, but his work was always considered to be on "scientific" lines.

This year he is reported to be going North under the auspices of the National Geographical Society but the reason of his going is given as "a quest for new land". This objective, supplemented by the fact that he is also to be assisted by the United States Navy, places an entirely different complexion on the situation. The newspapers report that the Navy's contribution to the expedition will be two or more airplanes with the necessary men and equipment. It is intended that one base will be made in Kennedy Channel, presumably on Ellesmere Land[,] and that a second base will be established on the North coast of Axel Heiberg Island. From that point flying will be carried on to the North and West in a search for new land. Just what the object of this search is, is not quite clear, whether it is a base for transpolar flights we do not know. Since the leader of the expedition is, we presume, an American citizen and, since the vessel is being partially equipped by the United States Navy, it can reasonably be supposed to be official or semi-official in its nature and that if new land is discovered it will be taken possession of under the "Stars and Stripes".

The second expedition is being made to the same country by one Kruger, a German. He has written⁵² to the Interior Department, giving the aims and objects of the expedition, which are reported as purely scientific. Kruger is to proceed to Greenland at once, cross over to Ellesmere, perhaps spend a winter on Ellesmere and then proceed to Axel Heiberg. He states he will have two white men with him and pick up the usual following of Eskimo

⁵² See/ Voir doc. 340, footnote/ note en bas de page.

families, with their dogs and equipment. He particularly refers to the fact that he will "live off the country", which makes us naturally uneasy regarding the game and particularly the musk-ox. If three white men, with many Eskimos and dogs, live off the country, for a period of three or four years, as Kruger contemplates, there will not be a musk-ox left. Kruger intimated that an official application, to carry on exploratory work in the Canadian Arctic, would be made by the Secretary of State, at Berlin, to our Secretary of State, in Ottawa, but such application to date has not put in an appearance.

Then, we have the Norwegian explorer Amundsen. He left Norway some time ago with two ships and a number of planes, for Spitzbergen. He has since landed on Spitzbergen and will carry on a flight from there in search of the Pole. Amundsen has already been at the South Pole and evidently now wants to reach the North. If he is successful he will have been the only man who has succeeded in reaching both Poles. As far as we can learn he will not touch Canadian Territory.

We have a letter⁵³ from the Norwegian Consul General, in which he asks whether Canada claims Axel Heiberg, and other islands in that vicinity. He points out that Sverdrup, the Norwegian explorer, discovered these islands in 1900. In a booklet, issued by the North West Territories Branch, of the Interior Department, a few years ago, entitled "Canada's Arctic Islands" Axel Heiberg is included. This is the publication that draws to the attention of the Norwegian Government, the fact that we claim it. They inquire on what basis our claim is made.

We also have a letter⁵⁴ from Dr. Knud Rasmussen, the Danish explorer. Only last year he completed a trip from Greenland to Alaska, crossing over the northern part of our continent. His work was purely scientific and he made a special study of the Eskimo. Before he left on the trip Canadian authorities were rather uneasy as to the purpose of his exploration. Rasmussen called on the High Commissioner in London and upon instructions from this Government was obliged to sign, before the High Commissioner, a statement to the effect "that in landing on any territory he would not dispute on behalf of Denmark or any other Government, Canada's sovereignty thereto". Rasmussen signed this statement and his exploratory trip was carried out on that condition.

Within the last few days we have had a letter from Dr. Rasmussen, written from New York, in which he points out the wide publicity given MacMillan's contemplated trip to the North, with the purpose of exploring for unknown land. He (Rasmussen) presumes that if unknown land is found it will be taken in the name of the U.S.A. He asks if we are demanding from Dr. MacMillan a statement similar to the one demanded of him. Rasmussen states further that he will, as a son of a small nation, feel extremely sorry if any explorer from any other country is given any right which was not given him.

In this connection we have a newspaper despatch, taken from the "Montreal Gazette" of the 17th instant, which would indicate that MacMillan applied to the Danish authorities to carry on some exploratory work in Greenland. The despatch states that the permission granted by the Danes covers the right to visit and photograph the old Viking Settlement in western Greenland, but prohibits the making of excavations or removing matters of ethnological interest.

If application is made to the Danes, to land and carry on exploratory work in Greenland, should not a similar application be made to Canada when bases are established on Ellesmere and other Canadian Islands[?] The fact remains that no applications have been formally made to our Secretary of State, either by MacMillan, Kruger, Amundsen or any

⁵³ Doc. 339.

⁵⁴ Doc. 348.

other foreign explorer. It is true there is no law particularly or especially demanding it, except the laws of Immigration and the laws pertaining to game. Should an amendment be made to the North West Territories Act, giving the Commissioner in Council authority to issue licenses or permits to scientists or explorers who wish to enter the N.W.T., and authority to prescribe the conditions under which such licenses or permits might be granted and the penalties for infraction of such conditions?

The recent Wrangel Island episode, which in the last few years has been occupied by representatives of various powers, led the Russian Soviet Government to issue a proclamation that the lands and islands to the north of Russia, including Wrangel Island, formed an integral part of Russian Territory and that it hoped that all the Governments, whom the proclamation concerned would take the necessary measures to prevent the infraction of the sovereignty of the [U]nion in those territories.

Should some similar notification be sent to the World powers regarding Canada's sovereignty of the islands to the North of this continent? In view of the various exploratory undertakings by foreign powers who do not apply to Canada for authorization to visit or use their Territory, or destroy their game, it hardly seems reasonable that we should passively sit to one side and not raise our voice in protest, or at least notify them of the claim or title we believe we rightfully possess to these Islands.

The action which should be taken is the reason for forming this committee and is what we are here to discuss today.

O.S. Finnie

353.

Minutes of meeting of Northern Advisory Board
Procès-verbal de réunion du Conseil consultatif du Nord
LAC/ BAC, RG 25, vol. 2669, file/ dossier 9062-C-40
Copy/ Copie

[Ottawa]

Under the authority of Order-in-Council P.C. 603 dated the 23rd April, 1925 the first meeting of the Inter-departmental Committee was held in Mr. Cory's office at 2.15 P.M., Friday April 24th, 1925.

In the absence of Mr. Cory from the city Dr. O.D. Skelton acted as Chairman. The others present were:-

Mr. W.M. Cory,
 Mr. J.D. Craig,
 Col. Cortlandt Starnes,
 Mr. G.J. Desbarats, C.M.G.,
 Mr. James White,
 Mr. J.B. Harkin,
 Mr. R.A. Gibson,
 Mr. O.S. Finnie.

⁵⁵ Doc. 336, enclosure pièce jointe.

Mr. O.S. Finnie read a memorandum⁵⁶ outlining Canada's position with relation to the Arctic Islands. He pointed out that the foremost expeditions going into the North this year were:—

that of Dr. Donald B. MacMillan who is going North under the auspices of the National Geographical Society, but is also being assisted by the United States Navy. Dr. MacMillan is taking two or more aeroplanes with him and intends establishing bases in Kennedy Channel and on the North coast of Axel Heiberg Island[;]

that of one Kruger, a German, who has written the Interior Department giving the aims and objects of the expedition, which are reported as purely scientific. It is his intention to proceed to Greenland, cross over to Ellesmere, probably spend a winter there, and then proceed to Axel Heiberg. He made the statement that he intends to "live off the country"[;]

that of the Norwegian explorer, Amundsen, who left Norway some time ago with two ships and a number of planes for Spitzbergen, where he has since landed. As far as can be learned he intends flying to the North Pole, and will not touch Canadian Territory.

Mr. Finnie stated that Dr. Knud Rasmussen, the Danish explorer, who last year completed a trip from Greenland to Alaska, had written him pointing out that before leaving he was required to sign a statement (by the High Commissioner) to the effect that on landing on any territory he would not dispute Canada's sovereignty thereto. He now wants to know if we are demanding from Dr. MacMillan a statement similar to the one required of him. He states that as a son of a small nation he will feel extremely sorry if any explorer from another country is given any right which was not given him.

Mr. James White was asked to speak a few words on Canada's title to the Northern Islands. He stated that he was of the opinion that her claims had been materially strengthened in the past few years, but believed that if MacMillan actually succeeded in finding new Islands Canada would have considerable trouble in establishing title thereto. He was of the opinion that it would not be considered that the right of possession would lapse in inaccessible territory in as short a space of time as in more temperate regions, but stated there was no definite period when that right lapsed. In reply to a question as to how much territory the establishment of a "Post" on one of the Islands would be protected he expressed the opinion that the whole Island would be considered to be actually occupied.

The action that should be taken with regard to the MacMillan expedition being considered very urgent, the discussion centralized [centred] on the procedure that should be adopted to require Dr. MacMillan to secure the consent of the Canadian Authorities to visit this territory, before leaving the United States, and resolved itself into the consideration of three questions:—

- (1) What is Canada's title to the northern Islands?
- (2) What further steps should be taken to strengthen or assert Canada's claim?
- (3) What should be done immediately re the MacMillan expedition?

Mr. Gibson suggested that a Memorandum be submitted to Council recommending that the Islands be included in a Game Sanctuary for the exclusive use of the Esquimo and Indians, and that Mr. W.W. Cory who is now in New York be requested to get in touch with either the State Department of that Country or MacMillan personally, in order to ascertain their present intention in the matter and to dispel any doubt that may exist as to the position Canada takes. Some doubt was expressed as to whether the Department of the Interior could issue any permit to Dr. MacMillan to land on the territory if the islands were

⁵⁶ See previous document./ Voir le document précédent.

created a game sanctuary, but Mr. Finnie expressed the opinion that the clause in the North West Game Act which authorized the Minister of the Interior to permit specimens to be taken for scientific or propagation purposes would provide sufficient leeway.

The Chairman asked the question whether the landing of aeroplanes on foreign territory was permitted, and Mr. Desbarats stated that while planes might fly where they wished they were subject to the same law as ships, and were required to report on landing. He intimated that while it would be probably impossible for the MacMillan party to report when landing in the north, nevertheless they could get permission to land before they sailed.

Both Mr. White and Mr. Harkin directed attention to the position which Dr. MacMillan took when giving evidence before the Musk-ox and Reindeer Commission [in 1920].

After some discussion the Committee decided that the most advisable action for the present was to communicate with Mr. W.W. Cory advising him of what had taken place and requesting that he get in touch with Dr. MacMillan personally and intimate that it would be necessary for him to comply with certain formalities before going into the Canadian Arctic regions. Mr. James White intimated that he was going to Washington on the 26th instant and would be glad to get in touch with Mr. Cory and discuss the situation with him, and if Mr. Cory thought advisable get in touch, as a non-departmental official, with Dr. McMillan.

Dr. Skelton and Mr. Finnie undertook to draft a letter to be taken to Mr. Cory by Mr. James White. Mr. Desbarats will furnish for inclusion a memorandum respecting the landing of aeroplanes in foreign countries and Mr. Gibson undertook to procure a memorandum from the Customs Department, which will give the regulations respecting the landing of foreign ships in Canadian Territory.

The Chairman moved the adjournment of the meeting.

Additional Note

Note supplémentaire

Some suggestions made and points brought out at an Inter-departmental meeting held on Friday April 24th, 1925.

That the International Map of the World⁵⁷ show the islands included in the triangular shaped archipelago north of Canada as British possessions.

That in the next issue of the map of northern regions these island[s] be outlined individually rather than collectively as forming part of Canadian territory.

The United States took exception to Denmark giving Great Britain any option on Greenland, should it be decided to sell this territory, at the time Danish sovereignty was recognized. This action would have been contrary to the Munroe Doctrine.

In connection with Wrangle Island the United States strenuously objected to Russian territory being defined by an imaginary line running indefinitely northward from the middle of Bering Strait.

⁵⁷ 7-8 Geo. V (SC 1917) c. 36, s./art. 4(8).

⁵⁸ On the International Map of the World, see: *En ce qui concerne la carte internationale du monde*, par G.R. Crone, "The Future of the International Million Map of the World," *Comptes rendus*, vol. 128, no. 1 (March 1962), pp. 36-38.

In the report of the Musk Ox and Reindeer Commission MacMillan recommended⁵⁹

Importance of establishing post on Axel Heiberg this year.

That the Customs Department should be represented on the Committee.

[O.S. Finnie?]

354.

Letter from Under-Secretary of State for External Affairs to Deputy Minister of the Interior

Lettre du sous-secrétaire d'État aux Affaires extérieures au sous-ministre de l'Intérieur

LAC/BAC, RG 25, vol. 2669, file/ dossier 9062-C-40

Copy/ Copie

Ottawa, April 25th, 1925

Dear Mr. Cory,

In accordance with the recommendation of the Minister of the Interior, P.C. 603, of which a copy is attached, establishing an Inter-Departmental Committee to report on Canada's claims in the Arctic Archipelago, was signed on April 23rd.

The first meeting of the Committee was held yesterday afternoon; appended is a copy of the Minutes, including a statement prepared by Mr. O.S. Finnie, Director of the North West Territories and Yukon Branch.

It was agreed that the main questions for consideration would be, first, the validity of Canada's claim to the Arctic Islands and of possible counter claims, and second, what steps could be taken to strengthen and assert Canadian sovereignty, whether by making the whole Archipelago a game sanctuary, or by amending the North West Territories Act to require a permit from all expeditions entering our territory, or by further acts of administration by Interior, Customs, Royal Canadian Mounted Police and Indian Affairs officials.

In view of the press announcements of the expedition which is shortly to sail for the North under Donald B. Macmillan, with assistance from the U.S. Navy, and in view of the fact that he has not applied to the Canadian Government for authorization, it was considered advisable that during your visit in New York and Washington you should, if possible, have an interview with Dr. Macmillan and endeavour to secure from him a written statement of the nature and purpose of his expedition, and a recognition of Canadian jurisdiction through conformity to our regulations. It was felt that while in the past we had not strictly insisted upon all these regulations, in the case of purely scientific expeditions, it was desirable, in view of the press comments on his expedition of last year and the statements as to his plans contained in the press this year, to require a strict observance of all formalities in the future. In addition to the regulations as to game, reference was made to the Customs and air navigation laws. For your convenience,

⁵⁹ This sentence remains unfinished in the original document. In 1920 MacMillan had stated that all foreign expeditions to the archipelago ought to secure the Canadian government's approval. See his testimony, 12 May 1920, LAC, RG 33-105./ Cette phrase demeure incomplète dans le document original. En 1920, MacMillan avait indiqué que toutes les expéditions étrangères vers l'archipel devaient obtenir l'approbation du gouvernement canadien. Voir son témoignage, 12 May 1920, BAC, RG 33-105.

statements⁵⁷ compiled by the Customs and National Defence Departments are appended as well as copies of the N.W.T. Act and Game Regulations.

It was not felt desirable at this stage to make any formal communication to the United States State Department, but perhaps you might find it possible to ascertain unofficially what official recognition and support is being given to the expedition by the United States Government. Those who have been listening in on Dr. Macmillan's radio broadcasts state that he has not indicated in his talks that he expects to claim territory for the United States, and that he still claims to be conducting a purely scientific expedition.

As Mr. James White is going to Washington tomorrow, and is thoroughly familiar with the general question as well as with the discussions of the Committee yesterday, it was agreed to ask him to take these documents to you and to assist you in whatever way possible in discussions with Dr. Macmillan or with sources of information in New York or Washington.

Yours sincerely,

[O.D. Skelton]

W.W. Cory, Esquire, C.M.G.

355.

Memorandum from Departmental Solicitor, Department of the Interior, to Deputy Minister

Note de l'avocat de ministère, ministère de l'Intérieur, au sous-ministre
LAC/ BAC, RG 85, vol. 85, file/ dossier 202-2-1

Ottawa, 27th April, 1925

Memorandum:

The Deputy Minister [W.W. Cory]

You ask me has not the Dominion Government got the right to admit or exclude people from any part of Canada, including the Northwest Territories?⁶¹

I am of opinion that the answer to this question is Yes, but such right has heretofore been exercised through legislation only in a very limited manner. The Immigration Act perhaps goes farther than any other legislation at the present time in excluding whole classes of people, and admitting others only under certain limited conditions.

Through Coastwise Trading Regulations the Department of Customs has also made certain prohibitions, and I understand that the Department of Health, through the Department of Immigration, has certain conditions which must be complied with. Through a combination of these three Departments it would probably be possible to keep out most of the proposed scientific expeditions to the Arctic, or to make such restrictions in their personnel and plans as would render the expedition futile, but as this would be using an Act drafted for one purpose to accomplish another, the possibilities of litigation and complications with foreign governments is so great that it seems to me inadvisable to employ this means.

I think an amendment to the Northwest Territories Act, such as I drafted⁶² for Mr. Finnie some time ago, would be more satisfactory in the long run, and it would be a

⁵⁷ Not found. Non retrouvées.

⁶¹ See: Voir doc. 340, marginal note/ note marginale.

⁶² Doc. 338, enclosure/ pièce jointe.

definite notice to other countries that we claim sovereignty over the northern islands and proposed to keep the country more or less to ourselves, somewhat along the lines which the Greenland Government is pursuing.⁶³

K.R. Daly
Solicitor.

356.

Memorandum from Surveyor General to Director, Northwest Territories and Yukon Branch, Department of the Interior

Note de l'arpenteur général au directeur, Secteur des Territoires du Nord-Ouest et du Yukon, ministère de l'Intérieur

LAC/ BAC, RG 85, vol. 195, file/ dossier 554/170

Ottawa, May 1, 1925.

Memorandum:

Mr. Finnie.

I am returning herewith your file [...] regarding the proposed hospital at Pangnirtung. I am very much disappointed to find that the Department of Indian Affairs, after such a long delay, finds it necessary to postpone, for the present, the erection of this hospital.⁶⁴

This decision places us in a rather embarrassing position regarding this summer's voyage of the C.G.S. Arctic, as we were recently advised by Colonel Starnes that he had been unable to have an item placed in the Estimates of his Department for the erection of a post any where in the North this year. That is to say, from present appearances, the Arctic's work for this summer will consist of taking North, replacements for the R.C.M.P. personnel, a scientist or two, her own fuel and supplies together with possibly 100 tons of coal for the Police, 50 tons of this being to replace coal loaned to us by them last year, and say 50 tons of supplies for the various posts. In other words, she will go North with a cargo anywhere from 100 to 250 tons short of her capacity, whereas in other years she has, to all intents and purposes, been overloaded. If, as seems probable, the establishment of the Police Post at Bache Peninsula is postponed until next year and the Department of Indian Affairs also wish to send North, the material for the proposed hospital, there will be no possibility of the Arctic next year being able to carry material and supplies for both of these outfits.

⁶³ The amendment was passed in early June and received royal assent on 27 June. This legislation did not itself require that scientists and explorers obtain permits, but instead empowered the Northwest Territories Council to issue ordinances regarding permits. Although a formal ordinance was not passed until 23 June 1926, permits were applied for and issued before that date.

L'amendement fut voté au début de juin et reçut la sanction royale le 27 juin. Cette loi n'exige pas en tant que telle que les scientifiques et les explorateurs obtiennent des permis, mais autorise plutôt le Conseil des Territoires du Nord-Ouest à émettre des ordonnances concernant les permis. Bien qu'une ordonnance officielle ne fût pas votée avant le 23 juin 1926, des permis furent demandés et délivrés avant cette date.

See/ Voir 15-16 Geo. V (SC 1925) c. 48; Order-in-Council/ décret du Conseil 1925-1379, LAC/ BAC, RG 2, vol. 1378; and/ et "Ordinance Respecting Scientists and Explorers," *Ordinances of the Northwest Territories Passed by the Northwest Territories Council from 1905 to 1930* (Ottawa: F.A. Acland, 1931), pp. 24-25.

⁶⁴ Construction of the hospital (St. Luke's Mission Hospital) did not begin until 1930. La construction de l'hôpital (St. Luke's Mission Hospital) ne débuta pas avant 1930.

In view of the recent developments in connection with the MacMillan expedition, it seems to me that we have an additional very strong reason for establishing a Post somewhere well to the northward on the eastern coast of Ellsmere Island, such for instance as that proposed by Inspector Wilcox at Bache Peninsula. I think that all possible pressure should be brought to bear to have an item placed in Colonel Starnes' estimates for the erection of this post. It is possible that the apparent participation of the American Government in the MacMillan expedition may be of assistance to us in having this item inserted in the estimates.

I consider that this year is very critical and that many of the benefits and advantages that we have gained by our expeditions of 1922, 1923 and 1924 may be lost if we do not make a particularly strong showing in the North this summer. Cape Sabine or Bache Peninsula or some point in that vicinity has always been considered the most important site for a Police Post, as it controls the regular crossing place, both for the natives and the white men from Greenland to Ellsmere. A reference to the original files of 1920 regarding the maintenance of our sovereignty will show that Cape Sabine was regarded as the key position and the most important of all the Posts it was proposed to establish.

The only reason that the establishment of this post has been delayed has been that on account of the extremely high latitude there, it has been considered advisable to establish Posts further south in order that there might be available for the more northerly post, a personnel thoroughly trained and thoroughly accustomed to Arctic conditions, which naturally will be found much more severe there than at Pond's Inlet or Dundas Harbor or any of the more southerly posts. It is true of course that the Arctic has gone north into the vicinity of Cape Sabine each year and that a cache of provisions was established on Rice Strait last year, but having been on the ship each year. Inspector Wilcox is now of the opinion that the actual site for this most northerly post should not be selected until a small detachment has spent a winter in the vicinity in what might be called temporary quarters, so that after a winter's experience there they might be in a position to select the most suitable site.

I think that we should show no signs of weakness this year particularly

J.D. Craig

357.

Letter from Director, Northwest Territories and Yukon Branch, Department of the Interior, to Commissioner, Royal Canadian Mounted Police

Lettre du directeur, Secteur des Territoires du Nord-Ouest et du Yukon, ministère de l'Intérieur, au commissaire, Royale gendarmerie à cheval du Canada

LAC/ BAC, RG 18, vol. 3757, file/ dossier G-516-37

Ottawa, 5th [May], 1925.

Dear Sir,

We had been figuring on taking the lumber and material for a hospital on the "Arctic" this summer to be erected at Pangnirtung. The hospital was being provided by the Department of Indian Affairs but Dr. Scott has just advised me that after consideration it has been found necessary to postpone, for the present, the erection of this hospital.

This will leave us free to take a building for Bache Peninsula, or any other place thought suitable. I think it is very essential that a detachment be established at Bache Peninsula or inside of Pim Island, or somewhere in that vicinity, and that yearly patrols be made to Axel Heiberg.

I think it is also desirable that a post be established somewhere on one of the Islands to the west, such as Cornwallis, Bathurst or Melville. We cannot do both posts in the same year but as we have an opportunity this year to transport a post I think it should be taken up no matter where it is placed.

If you can secure funds for this purpose I would suggest the building be ordered at once and everything made in readiness to take North about the 1st of July.

The matter of where the post should be erected might be left until a later date.

Yours truly,

O.S. Finnie,
Director.

Col. Cortlandt Starnes, Commissioner,
Royal Canadian Mounted Police,
Ottawa.

358.

Letter from Knud Rasmussen to Under-Secretary of State for External Affairs
Lettre de Knud Rasmussen au sous-secrétaire d'État aux Affaires extérieures
LAC/ BAC, RG 25, vol. 1386, file/ dossier 1924-1324

p.t. Ottawa, May 5th 1925.

Sir:—

Recently before I left Denmark, I had a conference with the Minister of Foreign Affairs on account of the Royal Canadian Mounted Police had applied for permission to land material for a house at Etah in order to later on on sledges to transport it over Smith Sound to Cape Sabine, a task which I consider very difficult to accomplish.

As a result of this conference the Canadian Government has now received a letter⁶⁵ through the British Minister in Copenhagen, Lord Granville, and contents of this reply in which I take part, are to the effect that the Danish Government has no objection to such an arrangement while the Government at the same time refers to the manager of the Cape York Station Thule, Mr. Hans Nielsen, who is the local representative for the Danish Government.

The said Mr. Hans Nielsen will during the summer obtain the necessary instructions as well from the president of The Cape York Station's committee Mr. M. Ib Nyeboe as from me, and needless to say we shall be glad to render any assistance possible.

As it presumably will be remembered from previous correspondence, especially concerning the protection of musk-oxen in Ellesmere Land district, I established in the year 1910 together with Mr. Nyeboe the Cape York Station Thule in North Star Bay, Woldenholme Sound.

The first time I visited this district was in 1902-04 as a member of a Danish expedition under the leadership of Mylius Erikssen. Later on I visited the land on an ethnographical expedition in 1906-07.

The so-called Cape York District, situated between the southern part of Melville Bay and the northern point of Greenland was at that time No Man's Land, and the population of this district, about 230 people, had no regular connection with the white men. They had,

⁶⁵ See Voir Amery to Byng, 8 May 1925, and enclosure let preee jointe (F. Reventlow to Lord Granville, 2 April 1925), LAC/ BAC, RG 18, vol. 3757, file/ dossier G-516-37.

however, been used to some of the white man's merchandise, especially guns and ammunition, partly through Scotch whalers, who as a rule called at Cape York and Saunders Island to barter with the natives, partly through the American Northpole expeditions, which under Robert E. Peary's leadership for almost 20 years had their headquarter at Etah.

However, it happened about 1910 that these eskimos, who lived without the protection of any country, got into a critical position. After the last Northpole expedition in 1909 no other American expeditions were expected for some time to visit the arctic regions. Furthermore the whale-fishery had retrograded so badly in the regions that the Scotch whalers had ceased to visit the Cape York district. As a result hereof the small Eskimo tribe was threatened by a catastrophe no more being able to procure guns and ammunition. I therefore dr[e]w the above matter to the attention of the Danish Government and proposed the establishment of a trade station in the Cape York District for the natives. However, I received an answer to the effect that the land being considered No Man's Land the Danish Government, which had monopoly of the rest of Greenland, did not see its way to establish a station there, as such an act could not be covered by the abovementioned monopoly. The establishment within this district would therefore have to be left to a private initiative. This was the basis for the establishment of The Cape York Station Thule, which was established by Mr. M. Ib Nyeboe and me and with the well-known arctic explorer Peter Freuchen as a manager.

The said trade station Thule has since its establishment worked with the following objects:

1. On one side to be a trade station providing the Eskimos with the necessary merchandise.
2. to be a basis for scientific expeditions in North-Greenland.

Since the establishment of the station all North-Greenland has been explored and charted with Thule as a starting-point.

From the beginning I beg to point out the character of the Cape York Station and to inform you that a committee was appointed to look after the various interests connected with the station, and the members of this committee are the below mentioned, who represent as well the practical as the scientific part of the problem:

Mr. M. Ib Nyeboe, Chairman.

Mr. O.B. Boggild, Professor in mineralogy at the University of Copenhagen.

Mr. Chr. Erichsen, member of the Maritime & Commercial Court of [Copenhagen.]

Mr. Adolf Jensen, Professor in zoology at the University of Copenhagen.

Mr. J.P. Koch, colonel, arctic explorer.

Mr. C.H. Ostenfeld, Professor in botany at the Agricultural College of Copenhagen.

Mr. Thomas Thomsen, Inspector of the National Ethnographical Museum of Copenhagen.

Since the establishment of the station Thule in 1910 there has been a change in Greenland i.e. the part of Greenland hitherto considered No Man's Land has gone under Danish Sovereignty and the Eskimos are now under protection of the Danish Crown. The station is still carried on by Mr. Nyeboe and me and we are responsible for everything in this district.

I have desired to explain the above matter for the Canadian Authorities just now when the question has been taken up concerning the use of Danish territory as [a] temporary

place of storing for [the] Royal Canadian Mounted Police's material destined for Ellesmere Land.

I understand that this act entirely has been the cause of the Canadian Government's acknowledgement of the difficulties connected with a regular sailings to the district round Pims Island and Bache's Peninsula, difficulties which I [a] long time before in a correspondance with Ottawa have drawn the attention to. At that time I gave to understand that the ice-conditions are so bad there that only in very favourable years it would be possible to navigate in this district of Ellesmere Land.

It is well known that all Ellesmere Land or, if you so desire, the district from North Devon to Cape Columbia on the northpoint of Grants Land is uninhabited, and I understand that the establishment of these stations for Mounted Police has got the object to secure Canada's sovereignty in this district by occupation. Of course we acknowledge in every way Canada's right in doing so, and I seize the opportunity to point out that Denmark already has an interest in this district and from the very beginning we have desired the Canadian Government to accomplish a regulation for protection of musk-oxen. When we now, on our part, acknowledging Canada's right to Ellesmere Land, have no objection to the question of Canada's desire to use Danish territory in Etah as a temporary storing place, I should like to point out that the reply given is contingent upon that there from the stations being established in Ellesmere Land will be made no attempt to drag the Greenlandic Eskimos from their residences on the north west shore of Greenland to the uninhabited Ellesmere Land.

The population in this part of Greenland amounts to 230 natives, and needless to say, the trading connection between southern Greenland and this district will be ruined, if the amount of the population is decreased through a contingent [going] to the district of Ellesmere Land occupied by the Royal Canadian Mounted Police.

Anybody having visited Arctic territories will understand how important it is for two nations in these districts to be on friendly terms, and from this point of view you will agree with me the importance of fixing certain lines for the politic, which will be a basis for a good neighborship.

Being the only man who is responsible for the conditions in the so-called Cape York District, which also includes Etah, I should appreciate very much if I, as the matter now stands, could obtain a declaration from the Canadian Government to the effect that no attempt will be made to persuade the Greenlandic Eskimos to take up their residence at the newly established stations in Ellesmere Land and that the Stations do not desire to enter any commercial communication with the Greenlandic Eskimos.

Already when the Royal Canadian Mounted Police visited Craig Harbour at Jones Sound, they brought away with them two families.⁶⁶ It would seem more natural if they secured the necessary assistance from natives in Canadian districts inside of Baffin Land. On the other hand I must admit the importance of having one or two families of local knowledge to assist the Royal Canadian Mounted Police during the first couple of years. The Cape York Station Thule will be pleased to render [the] Royal Canadian Mounted Police any assistance. The navigation on Thule has now been well established during several years of experience and is far safer than it will ever be on Ellesmere Island. Besides we can every winter send mail to Denmark via south Greenland. This mail-route might prove to be of interest for the Royal Canadian Mounted Police thus being able to communicate with Ottawa before the yearly supply-ship sails.

⁶⁶ See/ Voir doc. 310.

During my present stay at Ottawa I have discussed the above mentioned question with various representatives for [the] Royal Canadian Mounted Police and everywhere I have found the most amiable understanding.

When I have taken the liberty to address you, my motive is to ascertain that a definite agreement will be available between Canadian and Danish interests in the districts where a distance of one day's dog-team ride is between Canadian and Danish territory.

I have the honour to be, Sir,
Yours obedient servant

Knud Rasmussen
c/o Royal Danish Consulate General,
Montreal, Que.

O.D. Skelton, M.A. Ph.D.
Under Secretary of State for External Affairs,
Ottawa, Ont.

359.

Letter from Richard E. Byrd to Deputy Minister of the Interior
Lettre de Richard E. Byrd au sous-ministre de l'Intérieur
LAC/BAC, RG 85, vol. 14, file/ dossier 20-MacMillan

Washington, 8 May 1925

My dear Mr. Minister:

When I left you the day you were in Washington, I gave the Chief of Naval Operations an account of your visit, and he suggested that I call on the Secretary of the Navy. The Secretary referred the matter to Admiral Moffett, stating that he did not want me to handle that end of the Expedition, as I had my hands full with details connected with the flying. It is therefore now out of my hands.⁶⁷

When Dr. MacMillan was here several days ago I told him all about the matter, and he said that he was going to take it up.

⁶⁷ This account appears to be accurate. Moffett wrote an undated memorandum to the Chief of Naval Operations, asking whether the US government recognized Canadian claims to Ellesmere Island and Axel Heiberg Island. As a result, the Secretary of the Navy, Curtis D. Wilbur, sent an inquiry to the State Department. On the same date as Wilbur's letter, MacMillan argued that Canadian claims should not be recognized, and asked for permission to claim Axel Heiberg and the northern part of Ellesmere on behalf of the United States. No such permission was granted.

Ce compte rendu semble être précis. Moffett écrivit une note non datée au Chef des opérations navales, demandant si le gouvernement américain reconnaissait les revendications canadiennes sur l'île d'Ellesmere et l'île Axel Heiberg. Par la suite, le secrétaire de la Marine, Curtis D. Wilbur, envoya une demande au département d'État américain. À la même date que la lettre de Wilbur, MacMillan soutint que les revendications canadiennes ne devraient pas être reconnues et demanda la permission de revendiquer Axel Heiberg et la partie septentrionale de l'île d'Ellesmere au nom des États-Unis. Aucune permission de la sorte ne fut accordée.

See Moffett's memo. Voir la note de Moffett and et MacMillan to Wilbur, 5 June 1925, NACP, RG 86, box 3277. See 29455-83; Wilbur to Kellogg, 5 June 1925, NACP, RG 89, Document Files 1910-1929, box 295, file 031.11.M221.

I regret that I cannot attend to it for you myself. It was a pleasure to see you when you were here. If you see Mr. [J.A.] Wilson will you please give him my kindest regards.

With personal regards, I am

Respectfully yours,

R.E. Byrd

Honorable W.W. Corey,
Deputy Minister, Department of the Interior,
Ottawa, Canada.

360.

Memorandum from Commissioner, Royal Canadian Mounted Police, to Minister of Justice

Note du commissaire, Royale gendarmerie à cheval du Canada, au ministre de la Justice

LAC/ BAC, RG 18, vol. 3757, file/ dossier G-516-37

Ottawa, May 8th 1925.

MEMORANDUM FOR THE HONOURABLE THE MINISTER IN CONTROL
OF THE ROYAL CANADIAN MOUNTED POLICE.
NEW DETACHMENTS FOR EASTERN ARCTIC.

The undersigned begs to report that the Royal Canadian Mounted Police have now detachments in the Eastern Arctic at the following places:

Pangnirtung, Cumberland Sound, Baffin Island.

Ponds Inlet, Baffin Island.

Dundas Harbour, Devon Island.

Craig Harbour, Ellesmere Island,

and

Stores Depot at Cape Sabine, opposite Etah, Greenland.

The S.S. "Arctic" will be proceeding to the Eastern Arctic again this summer, and the Department of Indian Affairs had contemplated erecting a Hospital at Pangnirtung, the material for which was to have been taken up on the S.S. "Arctic". It has now been found necessary to postpone the erection of this Hospital for the present, and as a result of this, the "Arctic" will have sufficient space to take stores and material for the erection of another Police detachment in the Far North.

The undersigned received a letter from the Director of the Northwest Territories, on the 5th inst., copy attached, recommending that, in the circumstances, a new detachment be established in the vicinity of Bache Peninsula, which is in close proximity to Etah, Greenland, for the purpose of establishing a base for patrols to Axel Heiberg Island, to the Westward of Ellesmere Island.

There is also the consideration of four expeditions proceeding to the Far North this year, namely, the American explorer, Dr Donald B. MacMillan; one Kruger, a German; the Northern [Norwegian] explorer, Amundsen; and a fourth expedition from England, under the command of Grettir Algersson, and in view of accommodation being available on the S.S. "Arctic" the Northwest Territories Branch is of opinion that in view of all the circumstances, it is most desirable that a post should be established in the vicinity of Bache Peninsula, which will be our most Northerly detachment.

If the request of the Northwest Territories is approved, it is proposed, in addition to sending in the building material and equipment, to furnish the detachment with two years' supplies, which will entail a total expenditure of approximately \$20,000.00 as follows:

Buildings	\$6346.00
General stores, trade supplies, boats, dog sleds, fuel and light, medical and recreation supplies, furniture etc	\$7350.00
Two years supplies and upkeep	\$6320.00
	<u>\$20,016.00</u>

The proposed detachment will have a personnel of one Officer or Non-Commissioned Officer, and two or three men, and as the stores have to be purchased, and delivered at Quebec, ready for shipment on board, by the end of June, the matter is of some urgency.

To provide for the amount of money required, namely, \$20,000.00, it will be necessary, if the proposal to establish a detachment is approved, to submit a Supplementary Estimate for that amount for the Fiscal Year 1925-26, and the undersigned respectfully requests the decision of the Honourable the Minister as to whether the establishment of a Post at Bache Peninsula, necessitating a Supplementary Estimate of \$20,000.00 is authorized.⁶⁸

Respectfully submitted,

Cortlandt Starnes,
Commissioner.

361.

**Letter from Hans Krüger to Director, Northwest Territories and Yukon Branch,
Department of the Interior**

**Lettre de Hans Krüger au directeur, Secteur des Territoires du Nord-Ouest et du
Yukon, ministère de l'Intérieur**

LAC/ BAC, RG 85, vol. 756, file/ dossier 4725

Bensheim a[n] d[er] Bergstr[asse,]
May 11th 1925.

Dear Sir [O.S. Finnie]:—

Articles I have seen in American papers and an interview I had with the Secretary of State, Berlin have brought to my attention a question which — being a scientific mind — I never have broached before: the political side of my expedition.

The Chicago Daily News say that my expedition may give the Canadian Government one more claim to the supposed land that goes under the name of Harrisland⁶⁹ and that I shall carry the Canadian and German flags.

⁶⁸ Marginal note:/ Note marginale :

Approved, Ernest Lapointe

⁶⁹ The name Harris Land was sometimes used for the "Arctic continent" that was thought to exist in the Beaufort Sea. Dr. Rollin A. Harris of the United States Coast and Geodetic Survey was the originator of this theory. Le nom de terre de Harris fut parfois utilisé pour désigner le « continent arctique » que l'on croyait exister dans la mer de Beaufort. Rollin A. Harris du United States Coast and Geodetic Survey fut à l'origine de cette théorie.

See Voir R.A. Harris, "Evidences of Land near the North Pole," *Report of the Eighth International Geographic Congress, 1904* (Washington, DC: Government Printing Office, 1905), pp. 397-406

All these questions of diplomacy are beyond my understanding and I want to assure you that no political intentions however are behind my plans and that only and exclusively scientific aims are the instigating reasons for my expedition.

On the other hand American papers suggest that the Canadian Government will, in issuing the necessary permissions to my expedition, impose certain conditions. In this regard I beg to assure you that I am quite willing to accept any conditions your Government may think necessary for protecting the Canadian rights as long as I shall be in a position to follow up my scientific aims unhampered.

In case you think it advisable, I beg to forward this letter to the Secretary of State.

Yours very truly

H.K.E. Kruger

362.

Memorandum by Assistant Director, Royal Canadian Air Force

Note du directeur adjoint, Aviation royale canadienne

LAC/ BAC, RG 24, file/ dossier 4850, reel/ bobine C-5072

[Ottawa, ca. 12 May 1925]

MACMILLAN POLAR EXPEDITION.

While in Washington, I learned that the officer in charge of the U.S. Naval Air Service party, which proposes to accompany the MacMillan polar expedition this summer, was Lieut. Commander Byrd. This officer was in command of the U.S. Naval Air Forces at Halifax and Sydney during the War and I was brought in close contact with him then. The personal friendship we formed at that time has been continued ever since. I therefore called on him at the Bureau of Naval Aeronautics, where he is at present personal assistant to Rear-Admiral Muffet, U.S.N., who is in charge of the U.S. Naval Air Service.

Lieut.-Commander Byrd gave me full details regarding his plans and was quite frank in regard to them. The present plan had its beginning in the proposed polar flight of the airship *Shenandoah* last fall. When this was vetoed by the President,⁷⁰ the officers of the Air Service, desiring to continue the idea, approached Donald MacMillan with a view to taking advantage of his expedition to carry out flights for exploration in the Arctic on a smaller scale. Captain MacMillan, for his own reasons, has persistently refused to recognize the jurisdiction of Canadian authorities in the North. The U.S. Naval Air Service, unfortunately, have looked to him for most of their advice and it is evident that he has not been quite frank with them as to the situation existing in the North. The maps and charts shown me in Admiral Muffet's office were out of date and did not show the latest explorations.

⁷⁰ President Calvin Coolidge did not in fact veto the proposed Arctic flight by the dirigible USS *Shenandoah*, rather, he gave in to demands that the flight should not proceed unless it was approved by Congress. / Le président Calvin Coolidge ne s'opposa pas en fait au projet de survol de l'Arctique par le dirigeable USS *Shenandoah*; mais il se plia plutôt aux demandes pour que le vol n'ait pas lieu avant d'avoir été approuvé par le Congrès.

See Von "President Orders Halt on Plans for Navy Polar Flight Wants Congress to Have a Chance to Approve Shenandoah Trip," *Washington Post*, 16 February 1924, p. 1.

These officers have evidently no conception of what flying conditions are in the Arctic. Their preparations appear inadequate, though they have good aircraft, and it did not appear to me that they had a reasonable chance of carrying out their programme in one summer. Briefly, it was outlined to me by Commander Byrd as follows:

They intend to land their aircraft and supplies on the west side of Smith Sound, somewhere in the neighborhood of Cape Isabella or Cape Sabine. They then intend to use their two Loening amphibian planes to lay a depot at Cape Columbia, some 300 miles north. This will take them two or three trips with each machine. When sufficient gasoline has been laid there to enable one of the machines to take its full complement of gasoline, they intend to fly north as far as possible out over the Polar Sea and return, taking photographs of any land they may find. I did not gather that it was their intention to land anywhere on this flight. They will then return to their original depot and proceed in the same way to lay a base somewhere near the northern point of Axel-Heiberg Island, which will be rather less than 300 miles north-west. From there they intend to make a similar flight out over the Polar Sea in a north-westerly direction. The normal gasoline capacity of the Loening amphibian is 140 gallon[s], which, at 20 gallons an hour, would give them 7 hours gasoline. They intend to add an extra tank carrying 100 gallons which would give them a full capacity of 12 hours. Taking their cruising speed at 80 miles per hour, this would give them a range of almost 1000 miles or 500 miles out and return.

The expedition is equipped with a K 6 Fairchild camera and they intend to do as much photography as possible. The whole success of the plan depends on their finding either suitable surfaces on the islands on which to land with their wheels, or open water on the sea. In summer time both these requirements are extremely problematical at all three places but, of course, open stretches of water may be found. I questioned Dr. Rasmussen, who is now in Ottawa, particularly on this point. He is familiar with Cape Columbia and district and tells me that the coast is very rugged and rocky and in the summer time he does not think it possible to obtain open water there. He is not familiar with the north coast of Axel-Heiberg Island but it is known that the ice conditions at Smith Sound are particularly difficult. The best time to undertake an expedition of this kind would be the spring and early summer months, after the Arctic night has gone, when it is light, the ground is still snow-covered and the water surfaces frozen with new ice and snow-covered. Then conditions might make the plan possible. It is not the intention of the U.S. Naval authorities to remain in the north over winter.

While making it quite clear to Commander Byrd that I had no right to speak officially and had simply called on him as an old friend, I explained the situation to him in the North in regard to Canadian activities. I showed him the location of the police posts on Bylot, Devon and Ellesmere Islands and advised him that they were permanent posts, and not merely visited during the summer months by a Canadian ship. Of this fact he was apparently unaware, though he knew of the Canadian expeditions to the North each summer.

I also advised him that the Air Board had sent an experienced flying officer to the Arctic in 1922, for the express purpose of investigating flying conditions in the North, the possibility of carrying out further exploratory work by air, and of eventually establishing control and communication throughout the Arctic Islands by means of aircraft. It was further pointed out that the United States Government had made an agreement with Canada covering interstate flying. Under it the two Governments had agreed that their military or naval aircraft desiring to pass over the other's territory should obtain permission in

⁷¹ Robert A. Logan.

advance.⁷² Our action in the case of the Laurentide Air Service's flight over Alaska this summer was instanced as showing our meticulous observance of this agreement.

In the circumstances, I advised him to communicate with Ottawa to obtain our latest reports. Further, he should make official application to fly over Canada before his departure, pointing out that should any misfortune befall the expedition they would have to apply to the R.C.M.P. posts for assistance, and that it would be preferable for the police to have full official knowledge of the plans of the expedition in advance, than for them to turn up at a post without any credentials.

Commander Byrd expressed his regret that Admiral Muffet was absent that day and that I could not lay these facts before him. He said, however, that he would take them up with the Admiral immediately, with a view to taking the necessary action to put the matter on a more satisfactory basis.

As far as Commander Byrd is concerned, I have known him for seven years now. He has served in Canada and in Great Britain. He is an officer of the best type and so far as his personal sentiments are concerned, I can vouch that he is friendly towards the Canadian and British Governments.

Before leaving Commander Byrd I made it quite clear to him that I was not in Washington for reasons connected with his expedition, but on quite other affairs, and that I had no right to speak for the Canadian Government but had simply called on him as a friend and finding him in charge of the expedition, had outlined my own personal views in the matter to him.

I advised Group Captain Christie, British Air Attache in Washington, and Mr. M.M. Mahoney, the Canadian agent there, fully of our conversation. Group Captain Christie expressed the opinion that if the matter were brought to the attention of the U.S. State Department the U.S. Naval Air Service would be "rapped over the knuckles" for its action. He was satisfied that the State Department would view the matter in its proper light and that the expedition would either be cancelled or if it was allowed to go, it would go with the consent and approval of the Canadian Government only.

Major R.A. Logan, now with the Fairchild Company in New York, an ex-R.A.F. and C.A.F. officer who was sent north by the Air Board in 1922, to investigate flying conditions in the Arctic, gave me further information while in New York. Being interested in the polar explorations, he had joined the Explorers' Club and was quite au fait with the latest gossip there. He advised me that there was a great deal of loose talk among explorers generally as to sovereignty in the Arctic regions. Men like MacMillan, for their own reasons, did not desire effective control by any state. As they lived on hunting they were antagonistic towards the Canadian Government because of the restrictions it had placed on indiscriminate hunting. In his opinion, MacMillan had wilfully misled the U.S. Naval

⁷² Canada and the United States had made a six-month agreement in mid-1920, this agreement was extended several times. Le Canada et les Etats-Unis avaient conclu un accord de six mois au milieu de 1920; cet accord fut prolongé plusieurs fois. See: Voir L.H. Davies, despatch 531, 29 September 1922, TNA, CO 532/210, and/ et Canada, Air Board/ Commission de l'air, *Air Regulations, 1920* (Ottawa: J. de Labroquerie Taché, 1920), ss./ art. 124, 133. On military overflights, see/ Au sujet des survols militaires, voir LAC/ BAC, RG 7 G-21, vols 631-633, file/ dossier 34567, and/ et RG 24, vol. 42111, file dossier 961-3-1.

authorities though they were at fault in not having made fuller investigations and in accepting the opinions of irresponsible advisers.

[J.A. Wilson]

363.

Minutes of meeting of Northern Advisory Board
Procès-verbal de réunion du Conseil consultatif du Nord
LAC/ BAC, RG 25, vol. 2669, file/ dossier 9062-C-40
Copy/ Copie

[Ottawa]

Minutes of the second meeting of the Interdepartmental Advisory Committee re Canada's Arctic Islands, held in the office of Mr. W.W. Cory, at 11 A.M. Wednesday, May 13th, 1925.

Those present were:-

Mr. W.W. Cory,
 Mr. O.S. Finnie,
 Mr. J.D. Craig,
 Mr. W.M. Cory,
 Mr. R.A. Gibson,
 Dr. R.M. Anderson,
 Mr. E.D. Lennie,
 Dr. D.C. Scott,
 Dr. O.D. Skelton,
 Dr. Chas. Camsell,
 Mr. J.B. Harkin,
 Mr. G.J. Desbarats.

The Minutes of the former meeting, having been sent to all members of the Committee, were adopted.

Mr. W.W. Cory reported that he had received a letter from the Under-Secretary of State for External Affairs and had endeavoured to see Dr. MacMillan, who was on a lecture tour. In his absence he discussed the matter with Commander Byrd, who was in charge of the aerial section of the expedition provided by the United States Naval Service. Commander Byrd assured him no expedition would go forward without the approval of the Canadian Government. Mr. Cory read the following letter which he had received from Commander Byrd since his return:- [...] ⁷⁴

Re Preparation of Despatch.

Motion by Dr. Charles Camsell, seconded by Mr. G.J. Desbarats.

Following a general discussion a Sub-Committee consisting of Dr. O.D. Skelton, Mr. G.J. Desbarats, Mr. James White and Mr. O.S. Finnie, was appointed for the purpose of drafting a despatch to the British Ambassador at Washington, designed to obtain official information as to the objects of the MacMillan Expedition to the North, and conveying an intimation that it is taken for granted the United States recognizes Canada's claim to the

⁷⁴ This memo was forwarded by G.J. Desbarats to W.W. Cory on 12 May 1925, for the information of the Northern Advisory Board. Cette note fut envoyée par G.J. Desbarats à W.W. Cory, le 12 mai 1925, aux fins d'information du Conseil consultatif du Nord. See: Voir LAC/ BAC, RG 85, vol. 759, file: dossier 4831.

⁴ See: Voir doc. 359.

territory indicated on our map of the North and that those in charge of the expedition will comply with the Canadian Laws and Regulations. It was agreed that the draft despatch would be submitted for the consideration of a meeting of the full Committee before it was placed before the Government for approval.

Re Preparation of Statement of Canada's Claim to Arctic Islands.

It was decided that the same Sub-Committee would proceed as rapidly as possible with the preparation of a memorandum justifying Canada's claim to the Arctic Islands and the territory indicated on our map.⁷⁵

Re Additional Post.

It was pointed out that the idea of establishing a hospital in the North this year had been abandoned and there would now be room on the "Arctic" for supplies and men necessary to establish a new post. It was the feeling of the Committee that this post should be established at a strategic point and Mr. Finnie is to bring forward suggestions at the next meeting of the Committee.

General.

Dr. Scott mentioned the fact that the Eskimo are the wards of the Indian Department and the fact that they migrate through many of these Northern Islands might assist in strengthening our claim.

Mr. Desbarats suggested the possibility of the Canadian Government sending a plane with the "Arctic".

Reference was made to a letter⁷⁶ which Dr. Knud Rasmussen wrote to the External Affairs Department, wherein it was intimated that the Danish Government would object to any action taken by Canadian Government officials to encourage the migration of Eskimo from Greenland to Canadian territory. The Committee felt that it might reasonably be inferred from Dr. Rasmussen's communication that the Danish Government admitted Canada's claim.

It was pointed out that according to Press despatches Dr. MacMillan intended coaling at Sydney, N.S., and in this connection the possibility of enforcing Canadian Laws and Regulations through the medium of the Customs officials was discussed.

The Committee then adjourned to meet again at the call of the Chairman.

⁷⁵ The subcommittee meeting was held on 22 May. No minutes were found. White seems to have strongly advocated a sector claim with the support of Finnie and Skelton. From later comments by W.W. Cory, it appears that someone, perhaps Desbarats, objected that a claim to as yet undiscovered land within the sector might be problematic, to which White replied that the existence of such land was highly unlikely.

La réunion du sous-comité eut lieu le 22 mai. Aucun procès-verbal ne fut trouvé. White semble avoir fortement recommandé une revendication de secteur avec l'appui de Finnie et de Skelton. À la lumière de commentaires ultérieurs de W.W. Cory, il semble que quelqu'un, peut-être Desbarats, fit valoir qu'il pourrait être difficile de revendiquer une terre non encore découverte dans le secteur, ce à quoi White répondit que l'existence d'une telle terre était hautement improbable.

See/ Voir Cory to Finnie, 16 June 1925, LAC/ BAC, RG 85, vol. 759, file/ dossier 4834.

⁷⁶ Doc. 358.

364.

Letter from Commissioner, Royal Canadian Mounted Police, to Director, Northwest Territories and Yukon Branch, Department of the Interior

Lettre du commissaire, Royale gendarmerie à cheval du Canada, au directeur,

Secteur des Territoires du Nord-Ouest et du Yukon, ministère de l'Intérieur

LAC/BAC, RG 85, vol. 268, file/dossier 1003-6

Ottawa, May 19th 1925.

Dear Sir,

Referring to your letter of the 5th of [May], 1925, received by me on the 6th of May, 1925, with respect to the establishment of a Police detachment at Bache Peninsula, N.W.T.:-

I now beg to inform you that I have received the approval of the Honourable the Minister in control of this Force to submit a Supplementary Estimate for the amount required to establish this detachment, and in this connection, I should like to point out that on account of the inaccessibility of this point, it might be well, if it is within your power to give the necessary instructions to whoever is in charge, that every possible effort should be made to land the Police at the required destination.

According to Doctor Rasmussen, it would not be possible to transport buildings from Etah across the ice, but of course, if a detachment were once established, there would be no difficulty in transferring ordinary yearly supplies from Etah. Inspector Wilcox, of this Force, is also now of the opinion that it would be impossible to transport buildings from Etah to Bache Peninsula for the reason that the sleighs, dogs and natives required will not be available, so that I feel you will agree with me that unless some extraordinary effort is made by the "Arctic" the detachment at Bache Peninsula is not likely to be established this year. As a matter of fact, we have not yet received the sanction of the Danish Government to land the Police supplies at Etah, but I understand permission is on its way to Canada.

In the event of ice conditions absolutely preventing the Arctic from reaching Bache Peninsula this year, I am of opinion that it would be well to land all supplies at one of the Police Posts which have already been established, rather than at Etah, so that they may be easily accessible next year. If they are landed at Etah, it may not be possible to reach them easily next year, and landing them at a Police Detachment they would be properly supervised by members of the Force, instead of perhaps being left in no one's care at Etah.

Yours very truly,

Cortlandt Starnes
Commissioner.

O.S. Finnie, Esq.,

Director of the N.W. Territories & Yukon [Branch],

Ottawa, Ont.

365.

Letter from Technical Adviser, Department of Justice, to Under-Secretary of State for External Affairs

Lettre du conseiller technique, ministère de la Justice, au sous-secrétaire d'État aux Affaires extérieures

LAC/ BAC, RG 25, vol. 4252, file/ dossier 9057-40

Ottawa, May 25th, 1925.

Dr. O.D. Skelton,
Under Secretary of State for External Affairs,
Ottawa, Ontario.

My dear Dr. Skelton:—

I am sending herewith two copies of my memo.⁷⁷ respecting the projected MacMillan Expedition.

It runs into fourteen pages and I take it that you will desire to abbreviate it somewhat. Your blue pencil will readily perform the operation.

The memo. calls for two maps, neither of which is ready, as there is no draughtsman in the building to-day. They will be sent to you to-morrow before twelve o'clock, or earlier, if I can get the work done.

The colouring on one map is being added only by hand.⁷⁸ The colouring on the "Northern Explorations" map is as printed in 1904,⁷⁹ except that I am having the discoveries made by Stefansson added thereto. These additions, however, are in such form that they can be readily recognised.

Yours faithfully,

James White
Technical Adviser.

Enclosure: Memorandum by Technical Adviser, Department of Justice
Pièce jointe : Mémoire du conseiller technique, ministère de la Justice

MEMORANDUM RESPECTING MACMILLAN EXPEDITION
TO THE CANADIAN ARCTIC

The projected Arctic expedition, commanded by Dr. D.B. MacMillan and financed in whole, or in large part, by the National Geographic Society is a matter of concern to the Government of Canada. In addition to the fact that Dr. MacMillan apparently proposes to

⁷⁷ This document was written by White after the discussion at the 22 May Northern Advisory Board subcommittee meeting. Ce document fut rédigé par White après la discussion à la réunion du sous-comité du Conseil consultatif du Nord du 22 mai.

⁷⁸ This map showed British, American and Norwegian discoveries in the archipelago, plus the planned route of and flights by the MacMillan expedition. The MacMillan plans were based on a map by the National Geographic Society, published in the *Washington Post*, 12 May 1925, p. 5. There is a copy of White's map in LAC, RG 25, vol. 717, file 17.

Cette carte présentait les découvertes britanniques, américaines et norvégiennes dans l'archipel, en plus de l'itinéraire et des survols prévus par l'expédition MacMillan. Les plans de MacMillan étaient fondés sur une carte de la National Geographic Society, publiée dans le *Washington Post*, le 12 mai 1925, p. 5. Il existe une copie de la carte de White dans BAC, RG 25, vol. 717, dossier 17.

⁷⁹ Department of the Interior / Ministère de l'Intérieur, "Explorations in Northern Canada and Adjacent Portions of Greenland and Alaska." See/ Voir doc. 138, footnote/ note en bas de page.

ignore the laws and regulations of the Dominion of Canada, there is the further consideration that press reports indicate that the United States Department of the Navy is not only furnishing planes, but is also supplying pilots and mechanics who are officers or employees of that Department. This Governmental co-operation gives the expedition a semi-official character which may, later, form the basis of a claim to new lands discovered to the west of Ellesmere island and east of the 141st meridian – the eastern boundary of Alaska – and also to Ellesmere island itself.

The Government of Canada fears that Dr. MacMillan proposes to fly from the west coast of Greenland over the portion of the east coast of Ellesmere island first discovered by the United States explorers, Kane and Hayes; thence, over the west coast which was first explored by Sverdrup, a Norwegian, to Axel Heiberg island which was discovered by Sverdrup. MacMillan has announced that he will establish his depot of supplies on Heiberg island.

The Government of Canada assumes that such action would be based upon the contention that the coast explored by Kane and Hayes is United States territory and that Heiberg island is Norwegian; that he will not be operating on Canadian territory nor flying over it and that, as his planes are operated by United States officers and employees, he will be empowered to formally annex any new lands on behalf of the United States.

There is the further consideration that Macmillan may be formally commissioned on behalf of the United States and empowered to make such annexation.⁸⁰

Having set forth the material facts of the case, as known to the Government of Canada, it now remains to state the position of Canada and the more pertinent bases of her claim.

The Government of Canada claims as its "hinterland" the area bounded on the east by a line passing midway between Greenland and Baffin, Devon and Ellesmere islands, and, thence, northward to the Pole. On the west, Canada claims, as her western boundary, the 141st meridian from the mainland of North America northward, without limitation.

There is at least one precedent for the claim to the 141st meridian, namely, the Russian-United States Treaty of 30th March 1867,⁸¹ whereby the present territory of Alaska was ceded to the United States. It provides that:

"The western limit, within which the territories and dominion conveyed [to the United States] are contained, passes through a point in Behring's straits on the parallel of sixty degrees thirty minutes north latitude . . . and proceeds due north, without limitation, into the Frozen [Arctic] Ocean".

This, in terms, is a claim by the United States that the western boundary of Alaska is a due north line passing through the middle of Bering strait and thence due north to the North Pole.⁸²

In 1867, this contention received the recognition and support of the Russian Government and, so far as the Government of Canada is aware, it has never been protested

⁸⁰ He was not given such authorization./ Il ne reçut pas une telle autorisation.

⁸¹ "Treaty concerning the Cession of the Russian Possessions in North America by His Majesty, the Emperor of all the Russias to the United States of America . . ." *Statutes at Large, Treaties, and Proclamations of the United States of America*, vol. 15 (Boston: Little, Brown, 1869), pp. 539-544.

⁸² White later sent Skelton photostats of two official U.S. charts, No. 960 and a "General Chart of Alaska," both of which showed the boundary line running from the middle of Bering Strait to the northern edge of the map (73° N. latitude). White envoya plus tard à Skelton des photostats des deux cartes américaines officielles, N° 960 et « General Chart of Alaska », toutes deux montrant la ligne de démarcation de la limite territoriale allant du milieu du détroit de Béring jusqu'à la bordure septentrionale de la carte (latitude 73° N.).

See Voir White to Skelton, 21 July 1925, also in file aussi au dossier 9057-40.

by any other Power, nor has the United States ever indicated that she does not propose to maintain it in its entirety.

Inferentially, the United States would make a similar contention respecting its eastern boundary — the 141st meridian. Such claim, if formulated[,] will receive the support of the Government of Canada.

All standard authorities on international law are agreed that "the bare fact of discovery is an insufficient ground of proprietary right" (Hall);⁸¹ that [is], discovery and appropriation without settlement, only constitute an inchoate title.

The only claim that the United States can put forward respecting any of the Arctic islands to the north of the mainland of Canada is with reference to Ellesmere island.

Discovery and Exploration of Ellesmere Island.

In 1616, Bylot and Baffin, English navigators, discovered Ellesmere Island. They mapped Smith sound to the east and Jones sound to the south of it.

In 1818, an official expedition, formally commissioned by Great Britain and commanded by Capt. John Ross, R.N., surveyed the southeastern portion of Ellesmere island.

In 1852, Commander Inglefield, R.N. commanding one of the Franklin Relief vessels despatched by the British Admiralty, surveyed the south shore to longitude 84° W and the eastern shore to Princess Marie bay in latitude 79° 30'.

In 1853-1855 and 1860-1861, two citizens of the United States, Kane and Hayes, explored the shore of Ellesmere island from Princess Marie Bay northward to latitude 81° 30'.

In 1871, Hall, also a citizen of the United States, explored a small portion of the north-eastern coast of Ellesmere island between latitudes 81° 45' N. and 82° 30' N.

In 1875-1876, Capt. Nares, R.N., commanding an expedition despatched by the British Admiralty, surveyed accurately and in detail the coasts explored by Kane, Hayes and Hall, which, in large part, had been so inaccurately mapped that it was difficult to recognise many of the salient points indicated on their plans.

Nares also explored the northern and western coasts from Hall's "farthest" to cape Alfred Ernest in Latitude 82° N.

In 1881-1884, Lieut. A. W. Greely, U.S.N., commanded an International Circumpolar station "for the purpose of scientific observation", particularly in developing meteorology and extending the knowledge of terrestrial magnetism. Greely crossed Ellesmere island and explored the shores of Greely fiord, an inlet in the west coast.

In 1900-1902, Sverdrup, commanding an expedition which was financed, in large part, by citizens of Norway, explored nearly all the remainder of the southwestern and western coasts of Ellesmere island and also discovered Axel Heiberg, Amund Ringnes, Ellef Ringnes and King Christian islands.

In 1913-1918, Vilhjalmur Stefansson, commanding an expedition, formally commissioned by the Dominion of Canada, made further explorations in the Canadian Arctic archipelago. He discovered Meighen, Borden, Brock and some smaller islands and made further surveys of Amund Ringnes, Ellef Ringnes and King Christian islands. He found that the last named, instead of being the northern portion of Findlay island, as Sverdrup supposed, was a separate island.

⁸¹ William Edward Hall, *A Treatise on International Law*, 6th edn, ed. J.B. Atlay (Oxford: Clarendon Press, 1909), p. 102.

To illustrate the result of the foregoing a map, copy of which herewith has been prepared, which shows in red, blue and yellow, the areas explored by nationals of Great Britain, the United States, and Norway, respectively.

The exact extent of the coasts discovered or explored by nationals of these countries are indicated on the "Explorations in Northern Canada" map which also accompanies this memorandum.

The foregoing demonstrates that Ellesmere island was DISCOVERED over three centuries ago by an English expedition, that a century ago, part of the shore-line was surveyed by a British naval Expedition and that three-quarters of a century ago another officer of the British Navy EXPLORED and SURVEYED 300 miles of its shore-line.

By progressive steps the remainder of the shore-line of Ellesmere island was SURVEYED between 1853 and 1902 by British, United States and Norwegian explorers but it is to be noted that, with the exception of the Greely expedition, which accomplished but little in the way of exploration, neither the United States expeditions nor the Norwegian were commissioned by their respective Governments.

At this point, it seems pertinent to state that there can only be one discovery of an island. Subsequent individuals or expeditions can only explore or survey, though they may claim to have discovered specific topographical features such as capes, bays, mountains, rivers, etc.

The fact of discovery, therefore, was completed when Bylot and Baffin discovered it 309 years ago.

While Great Britain has never conceded such sweeping claims, it is noteworthy that, in 1827, during the Oregon Territory negotiations, the United States plenipotentiaries claimed all the country between the 42nd and 49th parallels of latitude, basing their claim upon the mere entrance into the mouth of the Columbia by a private citizen of the United States. Further, these extraordinary pretensions were put forward although it was a matter of common knowledge that British commissioned officers Cook and Vancouver had taken possession of or touched at various points of this portion of the mainland.

Had the United States subsequently occupied portions of the coast of Ellesmere island which had been discovered by citizens of that country, such occupation would have formed the basis of a strong claim but upon the facts, as set forth above, it is evident that she has no claim except such attenuated claim as could be founded upon exploration by her nationals upon part of the coast of an island discovered by an English expedition, two and a half centuries earlier and surveyed to the extent of 300 miles by officers of the Royal Navy prior to the advent of any citizen of the United States.

Against any claims by the United States or Norway to territory in the Arctic archipelago, it may be urged that, collectively, these islands form a geographical entity and that discoveries, by the nationals of other nations, of hitherto unknown units in this entity do not impair the title of Canada. Canada would not necessarily regard the undertaking of such explorations with disfavour any more than she would so regard explorations made on the mainland of Canada in areas that are still unexplored, provided that they be undertaken in such a way as to form an acknowledgment of her sovereignty.

But Canada does contend that nationals of other nations should conform to the regulations and laws of Canada particularly as such conforming does not impose any hardship upon such nationals.

The portions of the coast of Ellesmere island which were first explored by citizens of the United States have been coloured as United States territory by some map-makers in that country, and the coast-line first sighted by the Sverdrup expedition has been coloured as

Norwegian though, so far as known, neither the Government of the United States nor the Government of Norway has made a "public assertion of ownership" of the areas explored by their nationals, and, in the case of the United States, the lapse of a half-century should bar such claim at the present time.

Similarly, in the case of Norway, the lapse of over twenty years should also bar any claim by that nation.

Again, Kane, Hayes, Hall⁸⁴ and Sverdrup were uncommissioned navigators. The money appropriated for the Greely expedition was for "observation and exploration in the Arctic seas" but, so far as [is] known, neither he nor Kane, Hayes nor Hall was commissioned to take possession of lands in the name of the United States. Nor was Sverdrup similarly commissioned on behalf of Norway.

[Edward] Hall says that: "If an uncommissioned navigator takes possession of lands in the name of his sovereign, and then sails away without forming a settlement, the fact of possession has ceased, and a confirmation of his act only amounts to a bare assertion of intention to possess, which, being neither declared upon the spot nor supported by local acts, is of no legal value."

This clearly negatives any claim by the United States or Norway which is based upon discovery by their respective nationals.

Control.⁸⁵

The decision of the arbitrators respecting the boundary between British Guiana and Venezuela recognised a principle which materially strengthens the claims of Canada. In this case, British Guiana was awarded the larger portion of the area in dispute because the British and their predecessors in title, the Dutch, had exercised a control over the native inhabitants of that area. The same principle was also recognised in determining the boundary between British Guiana and Brazil which was in dispute for many years.

The awards in each case recognised the principle that such control constitutes effective occupation.

Similarly, Great Britain and Canada have exercised control over the natives of the mainland of Canada and of the Arctic islands between Greenland and the 141st [meridian]. It is true that Ellesmere, Heiberg and the Ringnes islands are not inhabited by natives or white men but it is highly probable that they were so occupied by the Eskimo even in historic times and, since then, have not been occupied by any one else.

With the exception of Heiberg, Ringnes, Meighen, Borden, Brock and some smaller islands, all the known insular areas in the Canadian Arctic archipelago were discovered and formally taken possession of by British commissioned navigators from a century to three-quarters of a century ago and such acts of possession were formally announced to the world in British Government blue-books. Of these islands, Meighen, Borden and Brock were discovered and formally annexed by a Canadian expedition in 1914-1917.

⁸⁴ Charles Hall was commissioned, but made no claims on the west side of Nares Strait. Charles Hall fut mandaté, mais ne fit aucune revendication sur la partie ouest du détroit de Nares.

⁸⁵ The references in the remainder of the document are the same as those used in White's earlier memo on the Sverdrup Islands. For full citations, see doc. 343, enclosure and footnotes. Les références dans le reste du document sont les mêmes que celles utilisées dans le mémoire antérieur de White sur les îles Sverdrup. Pour les références complètes, voir doc. 343, pièce jointe et notes en bas de page.

In 1880, Great Britain, by Imperial Order in Council of 31st July, 1880, transferred the Arctic archipelago to Canada. The Order provided that "all British territories and possessions in North America and the islands adjacent to such territories and possessions, which are not already included in the Dominion of Canada, should (with the exception of the colony of Newfoundland and its dependencies) be annexed to and form part of the said Dominion".

In 1670, King Charles II granted a charter to the Hudson's Bay Company. By virtue thereof the Company for two centuries exercised a proprietary government over the area covered by its charter and established posts throughout the Arctic drainage basin of the mainland.

Since the sale of its rights and privileges to the British crown and the transfer thereof to Canada over a half-century ago, the Hudson's Bay Company and other fur-trading companies have extended their operations to the Arctic islands and have established posts therein, thus exercising a control over practically the whole of the native population.

The Canadian Government has established police posts on Ellesmere, Devon and Baffin islands in the eastern portion of the archipelago and at other points in the western portion of the area, these posts being so placed as to dominate the whole of the archipelago, thus furnishing all the control required to maintain its title.

Contiguity.

Sir Travers Twiss (quoted by Westlake in "International Law", Part I, 1910, pp. 117-118) says, "When a nation has discovered a country and notified its discovery, it is presumed to intend to take possession of the whole country within those natural boundaries which are essential to the independence and security of its settlement." And the same authority says that "where the control of a district left unoccupied is necessary for the security of a state and not essential to that of another, the principle of vicinitas would be overruled by higher considerations, as it would interfere with the perfect enjoyment of existing rights of established domain".

In 1824, Mr. Rush, United States Minister at London, wrote:

"It will not be denied that the extent of contiguous territory to which an actual settlement gives a prior right must depend in a considerable degree on the magnitude and population of that settlement, and on the facility with which the vacant adjoining land may within a short time be occupied, settled and cultivated by such population, as compared with the probability of its being thus occupied and settled from another quarter". (Quoted by Westlake, I, pp. 116-117).

In 1844, Mr. Calhoun, U. S. Secretary of State, wrote Mr. Pakenham, British Minister at Washington:

"That continuity furnishes a just foundation for a claim of territory, in connection with those of discovery and occupation would seem unquestionable. It is admitted by all, that neither of them is limited by the precise spot discovered or occupied. It is evident that, in order to make either available, it must extend at least some distance beyond that actually discovered or occupied; but how far, as an abstract question, is a matter of uncertainty. . . . How far the claim of continuity may extend . . . can be settled only by reference to the circumstances attending each."

The term "Sphere of Influence" has no very definite meaning as yet, but indicates "the regions which geographically are adjacent to or politically group themselves" naturally with the possessions of the power claiming such sphere.

Canada's possessory rights in her Arctic islands are, of course, much greater and more definite than those indicated by the term "Sphere of Influence" but the principles of law set forth in the above definition materially strengthen the claim of Canada.

In 1826, Mr. Gallatin, negotiator on behalf of the United States, said:

"The actual possession and populous settlements of the valley of the Mississippi, including Louisiana, and now under one sovereignty, constitute a strong claim to the westwardly extension of that province over the contiguous vacant territory, and to the occupation and sovereignty of the country as far as the Pacific Ocean.

It will not be denied that the extent of contiguous territory, to which an actual settlement gives a prior right must depend, in a considerable degree, on the magnitude and population of that settlement, and on the facility with which the vacant adjoining land may, within a short time, be occupied, settled, and cultivated by such population, as compared with the probability of its being thus occupied and settled from another quarter".

As to the relative probability of settlement or control by the United States or Norway as compared with Canada there can be no question. Further, when the difficulties of control in the Arctic, as compared with temperate and torrid regions, are considered and when due weight has been given to such considerations, Canada's title may be claimed to be, if not unquestionable, at least much superior to that of any other nation.

The islands discovered by Sverdrup, namely Axel Heiberg, Amund Ringnes and Ellef Ringnes, are six, eight and twenty-five miles distant, respectively, from islands which have been acknowledged as British for three-quarters of a century. In addition, they are, as already stated, simply portions of the geographical entity, known as the Canadian Arctic archipelago.

Prescription.

Oppenheim says ("International Law", second edition, 1912, vol. I, pp.294-295):

"No rule of the Law of Nations exists which makes notification of occupation to other Powers a necessary condition of its validity. But, as regards all future occupations on the African coast, the Powers assembled at the Berlin Congo Conference in 1884-1885 have by article 34 of the General Act of this conference stipulated that occupation shall be notified to one another, so that such notification is now a condition of the validity of certain occupations in Africa. And there is no doubt that in time this rule will either by custom or by treaty be extended from occupations on the African coast to occupations everywhere else."

With reference to Melville, Cornwallis and other islands of the Canadian Arctic archipelago, such taking possession was formally notified to the world and, for three-quarters of a century and more, has been unprotected.

In this connection, it is pertinent to point out that, in the British Guiana-Venezuela arbitration, it was decided that unprotected occupation for 50 years, constituted a valid title.

Oppenheim says (p. 295) that "the extent of an occupation ought only to reach over so much territory as is effectively occupied". He then recites that, in the past, "interested States have neither in the past nor in the present acted in conformity with such a rule; on the contrary, they have always tried to attribute to their occupation a much wider area". After stating national contentions for the wider view, he continues:

"In truth, no general rule can be laid down beyond the above, that occupation reaches as far as it is effective ... the fact that flying columns of the military or police sweep, when necessary, remote spots, and many other facts, can show how far round the settlements the possessor is really able to assert the established authority. But it will always be

difficult to mark exactly in this way the boundary of an effective occupation, since naturally the tendency prevails to extend the sway constantly and gradually over a wider area. It is, therefore, a well-known fact that disputes concerning the boundaries of occupations can only rarely be decided on the basis of strict law" (p. 296).

As to the area affected by an act of occupation, Hall says that:

"A settlement is entitled not only to the [lands] actually inhabited or brought under its immediate control, but to all those which may be needed for its security, and to the territory which may fairly be considered to be attendant upon them."

"Title by prescription arises out of a long-continued possession, where no original source of proprietary right can be shown to exist. The principle upon which it rests is essentially the same as that of the doctrine of prescription which finds a place in every municipal law, although in its application to beings for whose disputes no tribunals are open, some modifications are necessarily introduced. The object of prescription as between states is mainly to assist in creating a stability of international order which is of more practical advantage than the bare possibility of an ultimate victory of right."

Wheaton says that:

"The uninterrupted possession of territory, or other property for a certain length of time, by one state, excludes the claim of every other, in the same manner as, by the law of nature and the municipal code of every civilized nation, a similar possession by an individual excludes the claim of every other person to the article of property in question."

Lord Salisbury, in a dispatch bearing date 18 March, 1896, says:

"There is no enactment or usage or accepted doctrine which lays down the length of time required for international prescription, and no full definition of the degree of control which will confer territorial property on a nation, has been attempted. It certainly does not depend solely on occupation or the exercise of any clearly defined acts. All the great nations in both hemispheres claim, and are prepared to defend, their rights to vast tracts of territory which they have in no sense occupied, and often have not fully explored. The modern doctrine of "Hinterland", with its inevitable contradictions, indicates the unformed and unstable condition of international law as applied to territorial claims resting on constructive occupation or control".

In the *Venezuela Boundary* case, it was agreed that:

"(a) Adverse holding or prescription during the period of fifty years shall make a good title. The arbitrators may deem exclusive political control of a district, as well as actual settlement thereof, sufficient to constitute adverse holding or to make title by prescription.

(b) The arbitrators may recognise and give effect to rights and claims resting on any ground whatever, valid according to international law, and on any principles of international law which the arbitrators may deem to be applicable to the case and which are not in contravention of the foregoing rule".

In 1904, the Government of Canada published a map showing "Explorations in Northern Canada". On that map, copy of which herewith, the boundary of the Canadian Arctic archipelago on the east, is delineated by a line passing through the middle of Robeson Channel — waters separating the Canadian islands from Greenland — and thence northward to the Pole, and, on the west, by the 141st meridian from the mainland northward to the Pole.

This official map was published twenty-one years ago and obviously, a tacit acquiescence, during over a fifth of a century, on the part of Norway and all other nations, bars their claim to protest the Canadian claim.

In conclusion, it should be pointed out that it is obvious that the specific rules of international law that are considered by the best authorities to be applicable to the torrid and temperate zones are, in such cases as the Canadian Arctic archipelago, not applicable with the same strictness. The effect of measures of control, of contiguity and of settlement must be given very much greater weight than would normally be attached to similar measures in more temperate and habitable regions.⁸⁶

[James White]

366.

Minutes of meeting of Northern Advisory Board
Procès-verbal de réunion du Conseil consultatif du Nord
LAC/BAC, RG 25, vol. 2669, file/ dossier 9062-C-40
Copy/ Copie

[Ottawa]

Minutes of the third meeting of the Interdepartmental Advisory Committee held in the office of Mr. W.W. Cory at 4.30 P.M. Tuesday, May 26th, 1925.

Those present were:—

Mr. W.W. Cory,
 Mr. O.S. Finnie,
 Col. C. Starnes,
 Mr. J.D. Craig,
 Mr. E.D. Lennie,
 Dr. R.M. Anderson,
 Mr. W.M. Cory,
 Mr. J.B. Harkin,
 Mr. Jas. White,
 Dr. O.D. Skelton,
 Mr. G.J. Desbarats,
 Mr. R.A. Gibson,
 Dr. Chas. Camsell,
 Dr. D.C. Scott.

The Minutes of the former meeting, having been sent to all the members of the committee, were adopted.

Re Despatch to British Ambassador, Washington.

The Sub-committee appointed at the last meeting of the committee submitted the draft of the proposed despatch to the British Ambassador at Washington, together with a more detailed [draft] memorandum⁸⁷ which had been prepared for the private information of

⁸⁶ Some passages in this document have been altered in accordance with corrections sent to Skelton by White on 29 May 1925, also in file 9057-40./ Certains passages de ce document ont été modifiés conformément aux corrections envoyées à Skelton par White le 29 mai 1925, aussi au dossier 9057-40.

⁸⁷ This draft memo was based on the one sent by White to Skelton on 25 May. It was written in the Department of External Affairs, presumably by Skelton. See note by Marjorie McKenzie, attached to White to Skelton, 29 May 1925. LAC, RG 25, vol. 4252, file 9057-40. L'ébauche de mémoire fut fondée sur le document envoyé par White à Skelton le 25 mai. Elle fut rédigée au ministère des

the British Ambassador. After discussion Dr. O.D. Skelton moved that the committee recommend the transmission of the despatch as prepared.⁸⁸ This motion was seconded by Dr. D.C. Scott, and agreed to by the Committee.

Re Emigration of Eskimo from Greenland to Canada.

Upon a letter⁸⁹ received by the Under-Secretary of State for External Affairs from Dr. Knud Rasmussen there was a general discussion of the position which Dr. Rasmussen indicated the Danish Government would take with respect to any attempt to encourage the migration of Eskimo from Greenland to Canadian Territory. Evidently the matter arose from a despatch sent through the usual official channels at the suggestion of the Commissioner of the Royal Canadian Mounted Police, who wished to secure certain facilities at Etah in connection with the establishment of a post at Bache Peninsula on Ellesmere Land. While it was felt that the view expressed in Dr. Rasmussen's communication was reasonable, it was considered inadvisable to reply to his letter until the official reply, which is evidently on its way from the Danish Government, had been received and considered.

Incidentally Mr. Jas. White pointed out the advantage, from our standpoint, of having at least one family of Eskimo at the new post so that we could claim supervision. Colonel Starnes stated that it might be necessary to borrow Greenland Eskimo to assist in the establishment of a post, but if necessary these could be returned to Greenland.

Re Establishment of Post at Bache Peninsula.

The matter of establishing an additional post at Bache Peninsula was discussed by the Committee. Colonel Starnes expressed the opinion that it would be almost useless to land supplies and men at Etah with a view to shipping them over the ice during the winter. It was the feeling of the committee that if it were found impossible to make a landing at Bache, the ship should return and land the men and material at Dundas Harbour.

Miscellaneous.

Mr. O.S. Finnie read a letter⁹⁰ from Mr. H.K.F. Kruger of the Deutsche Arktische Expedition in which he stated that his expedition was purely scientific and he was ready to comply with any Canadian Regulations.

The suggestion was made that the "Arctic" carry as much gasoline and oil North this year as possible in preparation of the possible use of aeroplanes in connection with next year's expedition.

Affaires extérieures, vraisemblablement par Skelton. Voir la note au dossier de Marguerite McKenna, jointe à White to Skelton, 29 May 1925, BAC, RG 25, vol. 4252, dossier 9057-40.

⁸⁸ The draft memo could not be approved at this meeting because there were not enough copies for all the board members. Copies were sent out by Finnie on 28 May with a request for comments. A few minor revisions were made to the draft, and a concluding section was added by Finnie, who had been gathering information about the various government regulations applicable to the Arctic (see Skelton to Finnie, 2 June 1925, also in file 9062-C-40). Then both documents were submitted to Council. See doc. 371.

L'ébauche de mémoire ne put être approuvée lors de cette réunion parce qu'il n'y avait pas suffisamment de copies pour tous les membres du conseil. Des copies furent distribuées par Finnie le 28 mai avec demande de commentaires. Quelques révisions mineures furent apportées à l'ébauche et une section finale fut ajoutée par Finnie qui avait rassemblé l'information sur les divers règlements gouvernementaux pertinents à l'Arctique (voir Skelton to Finnie, 2 June 1925, aussi au dossier 9062-C-40). Ensuite, les deux documents furent soumis au Conseil. Voir doc. 371.

⁸⁹ Doc. 358.

⁹⁰ Doc. 361.

Attention was drawn to an article which appeared in the June issue of the *National Geographical Magazine* in connection with MacMillan's activities in the Arctic.⁹¹

The committee then adjourned to meet again at the call of the Chairman.

367.

Letter from Director, Northwest Territories and Yukon Branch, Department of the Interior, to Commissioner, Royal Canadian Mounted Police

Lettre du directeur, Secteur des Territoires du Nord-Ouest et du Yukon, ministère de l'Intérieur, au commissaire, Royale gendarmerie à cheval du Canada

LAC/BAC, RG 18, vol. 3757, file/dossier G-516-37

Ottawa, 27th May, 1925.

Dear Sir,

Your letter of the 19th instant [...] regarding the establishment of an additional post at Bache Peninsula, I read before the Northern Advisory Board, at its meeting yesterday.

The opinion of the meeting was that in case the boat could not reach Bache Peninsula that the building and supplies intended for that point be returned to Dundas Harbour and await another year when ice conditions might be more favourable.

In thinking this matter over it seems to me this might be our opportunity to establish a post in the centre of the northern islands – on Cornwallis or Bathurst. We have had in mind, for some time the establishment of a post in this area. All our posts at present are situated on the east of our possessions and some time we should have a post somewhere in the centre of the group. If the boat is, therefore, unable to reach Bache and land supplies there, we might give instructions to sail south to Lancaster Sound and west to Cornwallis or Bathurst, and there establish the post. This only to be done, however, in case the vessel is unable to reach Bache Peninsula. Do you concur in this view?

We will, however, instruct our officers on the C.G.S. "Arctic" to make every effort to reach Bache. We do not wish, of course, to jeopardize the safety of the ship or crew but will ask the Captain to make every effort to reach that point, consistent with the safety of the ship.

Yours truly,

O.S. Finnie,
Director.

Colonel Cortlandt Starnes, Commissioner,
Royal Canadian Mounted Police,
Ottawa.

⁹¹ "The Bowdoin in North Greenland," *National Geographic*, vol. 47, no. 6 (June 1925), pp. 677-722.

368.

Letter from Commissioner, Royal Canadian Mounted Police, to Director, Northwest Territories and Yukon Branch, Department of the Interior

Lettre du commissaire, Royale gendarmerie à cheval du Canada, au directeur,

Secteur des Territoires du Nord-Ouest et du Yukon, ministère de l'Intérieur

LAC/ BAC, RG 85, vol. 268, file/dossier 1003-6

Ottawa, May 29th 1925.

Dear Mr. Finnie,

I have your letter of the 27th inst [] on the proposal to establish a new detachment on Cornwallis or Bathurst Islands, in the event of the "Arctic" being unable to reach Bache Peninsula this summer.

In reply, I desire to say that on account of the urgency and importance of establishing a post at Bache Peninsula, the Honourable the Minister in control of this Force approved of my submitting a Supplementary Estimate to cover the expenditure required for this special detachment, and with the hope that this estimate will pass Parliament, I am taking such steps as I reasonably can towards the purchase of the necessary supplies, but I am unable to give more definite instructions until I know for certain that the estimate has passed Parliament, but when that will be is very problematical.

On account of our greatly reduced strength and of our appropriation as a whole, and also because of the special means taken to provide for a detachment at Bache Peninsula, I regret to say that I cannot agree to the diversion of these supplies to cover a new detachment for either Cornwallis or Bathurst Islands this year, in the event of the "Arctic" being unable to reach Bache Peninsula, provided the Supplementary Estimate pass[es] the House in time before the "Arctic" sails.

If the attempt to reach Bache Peninsula is unsuccessful, then I am of opinion that all the supplies in question should be returned to Dundas Harbour, to await such time as the ice conditions may permit of a successful attempt in another year.⁹²

Yours very truly,

Cortlandt Starnes
Commissioner.

O.S. Finnie, Esq.,

Director of the N.W. Territories & Yukon [Branch],

Ottawa, Ont.

⁹² The *Arctic* again failed to establish the post in 1925, so the supplies were left at the Rice Strait-Kane Basin depot. L'Arctic ne réussit pas encore une fois à établir le poste en 1925, de sorte que le ravitaillement fut laissé au dépôt du détroit de Rice, du bassin Kane.

369.

Letter from Captain of CGS *Arctic* to Director, Northwest Territories and Yukon Branch, Department of the Interior

Lettre du capitaine du CGS *Arctic* au directeur, Secteur des Territoires du Nord-Ouest et du Yukon, ministère de l'Intérieur

LAC/ BAC, RG 85, vol. 602, file/ dossier 2502

Quebec, May 30th, 1925

Mr. O.S. Finnie, Director,
North-West Territories and Yukon Branch,
Department of the Interior, Ottawa.

Dear Sir:

[...]

I have been studying with a view to deciding where I think the new post on Bache Peninsula should be located and, as far as I have gone, I favour the entrance of Flager Sound [Flagler Bay]. McMillan, Cook, Sverdrup and Whitney have all passed and repassed in Flager Sound and if the new post were placed at the entrance it could control that sound as well as Kane Basin, and it would be a good point from which our people could reach the western part of Ellesmere Island and as far as the Sverdrup group of islands.⁹³ It would also be safe for travelling, as at the head of Flager Sound the elevation is only 216 feet and as the route has been travelled by other explorers. This station should be well provided with dogs and some good Esquimo leader. This I submit for your consideration in view of McMillan's activities.

Yours obediently,

J.E. Bernier

P.S. In case we fail to place the detachment on Bache Peninsula, it might be advisable to have permission to land at Etah.

370.

Letter from Under-Secretary of State for External Affairs to Director, Northwest Territories and Yukon Branch, Department of the Interior

Lettre du sous-secrétaire d'État aux Affaires extérieures au directeur, Secteur des Territoires du Nord-Ouest et du Yukon, ministère de l'Intérieur

LAC/ BAC, RG 85, vol. 756, file/ dossier 4725

Ottawa, 2nd June, 1925

My dear Mr. Finnie,

I am in receipt of your letter† of May 27th, enclosing copy of a communication from H.K.E. Kruger with reference to his proposed expedition to the Arctic.

I should think the best procedure, in view of all the circumstances and of Mr. Kruger's suggestion, would be that our Department should acknowledge his communication and inform him of the permits it is necessary to obtain. Perhaps the Department of the Interior

⁹³ A post was placed in this location in 1926, and the route recommended by Bernier was used for overland patrols to the Sverdrup Islands in 1927 and subsequent years. Un poste avait été érigé à cet endroit en 1926, et la route recommandée par Bernier fut utilisée pour les patrouilles terrestres vers les îles Sverdrup en 1927 et les années suivantes.

could make a list of these permits, or if you considered it advisable, the question might be brought up before the Northern Advisory Committee before action was taken.

I might add that no communication has yet been received from the Secretary of State in Berlin.

Yours sincerely,

O.D. Skelton

O.S. Finnie, Esquire,

The Director, North West Territories and Yukon Branch,

Department of the Interior, Ottawa.

371.

Memorandum from President of Privy Council to Governor General

Note du président du Conseil privé au gouverneur général

LAC/ BAC, RG 2, vol. 1375

[Ottawa]

The Committee of the Privy Council have had before them a report,³ dated 4th June, 1925, from the Right Honourable the Secretary of State for External Affairs [W.L.M. King], stating that there has been brought to his attention press reports in regard to a scientific expedition under the leadership of Dr. Donald B. MacMillan, which it is said is being prepared in the United States for exploration in the Arctic regions under the auspices of the National Geographic Society and with the co-operation of the United States Navy.

The Minister in view of the possible bearing of the operations of such an expedition upon Canada's claims to territories in the regions referred to, with the concurrence of the Minister of the Interior, recommends that Your Excellency be pleased to address to His Majesty's Ambassador at Washington a despatch in the sense of the draft herewith submitted, marked "A", asking him to ascertain whether this report is correct, and in that case, to offer in behalf of the Canadian Government such assistance in carrying out the objects of the expedition as is indicated in the draft, and further, that in supplement of such despatch, Your Excellency be pleased to address to the Ambassador a further despatch in the sense of the draft herewith submitted, marked "B", explaining the grounds of Canada's claims to the territories in these regions and of the apprehensions of Your Excellency's advisers in regard to the activities of this expedition.⁹⁴

The Committee, concur in the foregoing and submit the same for Your Excellency's approval.

W.L. Mackenzie King

Approved⁹⁵

Byng of Vimy.

5 June 1925

⁹⁴ After this memo had been approved, on 10 June Minister Stewart made a statement based on draft B in the House of Commons. See Canada, *House of Commons Debates*, 14th Parliament, 4th Session, vol. 168, p. 4084. This marked the first occasion on which the sector lines were endorsed by a Minister in Parliament. Après l'approbation de cette note, le 10 juin le ministre Stewart fit une déclaration fondée sur l'ébauche B à la Chambre des communes. Voir Canada, *Chambre des communes, Débats*, 14^e législature, 4^e session, vol. 168, p. 4071. Ceci marqua la première occasion où les limites de secteur furent approuvées par un ministre au Parlement.

⁹⁵ Order-in-Council, Décret du Conseil 1925-887.

Enclosure A: Draft Despatch from Governor General to Ambassador of United Kingdom in United States

Pièce jointe A : Projet de dépêche du gouverneur général à l'ambassadeur du Royaume-Uni aux États-Unis

Secret

My advisers have noted press reports that a scientific expedition is being prepared in the United States for exploration in the Arctic regions, to be led by Dr. Donald B. MacMillan, under the auspices of the National Geographic Society and with the co-operation of the United States Navy.

I would request Your Excellency to inquire of the Secretary of State whether this report is correct. If so, I would desire to call the attention of the Government of the United States to the fact that the Government of Canada has established Royal Canadian Mounted Police posts in Baffin Island, Ellesmere Island and other sections of its northern territories, that in the course of the Police patrols through the Arctic Islands depots of provisions have been established at various centres, and that in addition Hudson's Bay Company posts are in existence at island and mainland points.

The Government of Canada would be pleased under these circumstances to assure the expedition of whatever assistance could be given from these posts and depots and by the Royal Canadian Mounted Police, to furnish the necessary permits for the expedition, and in any other way possible to facilitate the plans of Dr. MacMillan and his associates.⁹⁶

Enclosure B: Draft Despatch from Governor General to Ambassador of United Kingdom in United States

Pièce jointe B : Projet de dépêche du gouverneur général à l'ambassadeur du Royaume-Uni aux États-Unis

SUPPLEMENTARY DRAFT DESPATCH FROM THE GOVERNOR GENERAL
TO THE BRITISH AMBASSADOR AT WASHINGTON

[Secret]

With further reference to my despatch No. [blank blanc] on the MacMillan Arctic expedition, it has been considered advisable to set forth some of the grounds which have caused the Canadian Government apprehension as to the purposes of the expedition and also the grounds of its claims to certain Arctic territory which may be questioned.

The expedition is under the leadership of Dr. MacMillan, a Newfoundlander by birth⁹⁷ but now a citizen of the United States, who is widely experienced in Arctic exploration. In his earlier expeditions he was disposed to work closely with the Canadian Government, and when giving evidence before the Canadian Royal Commission on the Musk Ox and Reindeer Industries, in 1920, he advised that all explorers going into Canadian Arctic territory be required to secure licenses. Of late, perhaps because of the exigencies of popular lecture tours in the United States and campaigns there for financing his new expedition, he has tended to emphasize the advantages to the United States of the discoveries he may make in the Arctic and also to ignore the Canadian authorities. The Director of the North West Territories and Yukon Branch of the Department of the Interior

⁹⁶ Sent as despatch 103, 4 June 1925; this version is printed in *DCER*, vol. 3, doc. 540. Envoyé sous la dépêche 103, 4 juin 1925; cette version est imprimée dans *DRREC*, vol. 3, doc. 540.

⁹⁷ This was a common misapprehension among Canadian officials. MacMillan was an American by birth. C'était une méprise commune chez les responsables canadiens. MacMillan était Américain de naissance.

wrote him in June, 1923, prior to his last trip north, asking for information as to his plans and calling his attention to the hunting and trading license requirements. The letter, though received, was not acknowledged. On MacMillan's return, the Director wrote again in October 1924,⁹⁸ calling attention to press reports of killing of musk ox on Ellesmere Island. MacMillan replied⁹⁹ stating that the objects of the expedition were purely scientific, and adding that "nothing in Canadian territory was trapped or killed or traded for by me or by a single member of my personnel, else you would have received notice immediately upon my return and check forwarded for hunting and trading license[s]"; a reply which was considered in the light of Royal Canadian Mounted Police reports¹⁰⁰ as to killing of musk ox, at least evasive.

On January 14th, 1925, the Director wrote MacMillan calling attention to press reports of the new expedition, enclosing copies of [the] Game Act and other regulations, and suggesting that application be made for a migratory game permit. No answer has been received to this letter.

The United States Department of the Navy, to judge by the "Shenandoah" and other incidents, is not averse to securing whatever prestige may attach to adding territory and possibly air bases in the North. It is providing planes and also lending pilots and mechanics. No intimation whatever as to the expedition has been received from the United States Government.

Given this persistent ignoring of Canadian authority, special significance attaches to the reported route of the expedition. While it is proposed to make airplane exploration through Baffin Land, as to which no question of sovereignty could possibly be raised, this is apparently to be left to the return trip and is not an essential feature. On the northward journey, the expedition, after coaling at a Canadian port, and possibly touching at a Labrador port, is to coast along Greenland to Etah, permission to make use of Etah as a base and make certain scientific inquiries there has been sought and secured from the Danish Government. From Etah the planes are to fly across Ellesmere Island to the Northern end of Axel Heiberg Island, there to establish a base for exploring the large unknown area to the north [west]ward. As it happens that the two portions of Canadian territory thus to be visited or flown over, Ellesmere Island and Axel Heiberg, are precisely the two areas in the North as to which some question as to our sovereignty might be raised (by the United States and Norway respectively), it is apprehended that this choice of route is not wholly accidental or based wholly on technical grounds, and that it may foreshadow claims not merely to any new territory discovered to the [west]ward but to part or all of Ellesmere Island itself.

The grounds upon which Canada rests her claim to these as well as to the other Arctic islands north of her mainland territory may be summarized briefly.

In 1880, Great Britain, by Imperial Order in Council of 31st July, 1880, transferred the Arctic archipelago to Canada. The Order provided that "all British territories and possessions in North America and the islands adjacent to such territories and possessions, which are not already included in the Dominion of Canada, should [with the exception of

⁹⁸ Doc. 329.

⁹⁹ Doc. 331.

¹⁰⁰ See/ Voir LAC/ BAC, RG 85, vol. 14, file/ dossier 20-MacMillan.

¹⁰¹ The references used here are the same as those in White's earlier memoirs. Les références employées sont les mêmes que celles figurant dans les mémoires antérieurs de White. For full reference, see: Pour les références complètes, voir docs 343-365, *enclosures and footnotes*, pièces jointes et notes au bas de page.

the colony of Newfoundland and its dependencies) be annexed to and form part of the said Dominion”.

The Dominion of Canada claims as its “hinterland” the area bounded on the east by a line passing midway between Greenland and Baffin, Devon and Ellesmere islands and, thence northward to the Pole. On the west, Canada claims, as her western boundary, the 141st meridian from the mainland of North America indefinitely northward “without limitation”. There is at least one precedent for the claim to the 141st meridian; namely, the Russian-United States Treaty of 30th March 1867, whereby the present territory of Alaska was ceded to the United States. It provides that:

“The western limit, within which the territories and dominion conveyed (to the United States) are contained, passes through a point in Behring’s straits on the parallel of sixty[-five] degrees thirty minutes north latitude ... and proceeds due north, without limitation, into the Frozen (Arctic) Ocean”.

This, in terms, is a claim by the United States [[that the western boundary of Alaska is a due north line passing through the middle of Bering strait and thence due north to the North Pole.

In 1867, this contention received the recognition and support of the Russian Government and, so far as the Government of Canada is aware, it has never been protested by any other power, nor has the United States ever indicated that she does not propose to maintain it in its entirety.

Inferentially, the United States would make a similar contention respecting its eastern boundary – the 141st meridian. Such claim, if formulated, would, of course, receive the support of the Government of Canada.]]¹⁰²

[T]he various grounds on which title may be based will be taken up in turn:

1. Discovery.

So far as discovery goes, the title of Great Britain, and thus of Canada, to the whole Arctic Archipelago is beyond question, except possibly in the case of certain Ellesmere and Axel Heiberg areas. With the exception of Heiberg, Ringnes, Meighen, Borden, Brock and some smaller islands, all the known insular areas in the Canadian Arctic archipelago were discovered and formally taken possession of by British commissioned navigators from a century to three-quarters of a century ago and such acts of possession were formally announced to the world in British Government blue-books. Of these islands, Meighen, Borden and Brock were discovered and formally taken possession of by a Canadian expedition in 1914-17. Consideration will therefore be confined to the areas which may be questioned.

In 1616, Bylot and Baffin, English navigators, discovered Ellesmere island and named Smith sound to the east of it and Jones sound to the south.

In 1818, an official expedition, formally commissioned by Great Britain and commanded by Captain John Ross, R.N., explored the southeastern portion of Ellesmere island.

¹⁰² The material in double square brackets was accidentally omitted from its proper place in this copy. In the final despatch, it was included as a footnote. See drafts and final version in LAC, RG 7 G-21, vol 411, file 10045.

Le passage entre doubles crochets fut accidentellement omis de cette copie, alors qu’il aurait dû y figurer. Dans la dépêche finale, il fut inclus comme une note en bas de page. Voir ébauches et version finale dans BAC, RG 7 G-21, vol 411, dossier 10045.

In 1852, Commander Inglefield, R.N., commanding one of the Franklin Relief vessels despatched by the British Admiralty, surveyed the south shore to longitude 84° W. and the eastern shore to Princess Marie bay in latitude 79° 30'.

In 1853-1855 and 1860-1861, two citizens of the United States, Kane and Hayes, explored the shore of Ellesmere island from Princess Marie Bay northward to latitude 81° 30'. In 1871, Hall, also a citizen of the United States, explored a small portion of the north-eastern coast of Ellesmere island between latitudes 81° 45' N and 82° 30' N.

In 1875-1876, Captain Nares, R.N., commanding an expedition despatched by the British Admiralty, surveyed accurately and in detail the coasts explored by Kane, Hayes and Hall, which, in large part, had been so inaccurately mapped that it was difficult to recognize many of the salient points indicated on their plans. Nares also explored the northern and western coasts from Hall's "farthest" to cape Alfred Ernest in latitude 82° N.

In 1881-1884, Lieut. A.W. Greely, U.S.N., commanded an International Circumpolar station "for the purpose of scientific observation", particularly in developing meteorology and extending the knowledge of terrestrial magnetism. Greely crossed Ellesmere island and explored the shores of Greely fiord, an inlet in the west coast.

In 1900-1902, Sverdrup, commanding an expedition which was financed, in large part, by citizens of Norway, explored nearly all the remainder of the southwestern and western coasts of Ellesmere island and also discovered Axel Heiberg, Amund Ringnes, Ellef Ringnes and King Christian islands.

In 1913-1918, Vilhjalmur Stefansson, commanding an expedition, formally commissioned by the Dominion of Canada, made further explorations in the Canadian Arctic archipelago. He discovered Meighen, Borden, Brock and some smaller islands and made further surveys of Amund Ringnes, Ellef Ringnes and King Christian islands. He found that the last named, instead of being the northern portion of Findlay island, as Sverdrup supposed, was a separate island.

To illustrate the result of the foregoing activities a map,¹⁰¹ a copy of which is attached, has been prepared, which shows in red, blue and yellow, the areas explored by British, United States and Norwegian nationals respectively.

The exact extent of the coasts discovered or explored by nationals of these countries is indicated on the "Explorations in Northern Canada" map which also accompanies this memorandum.

It is thus clear that this island was DISCOVERED over three centuries ago by an English expedition; that a century ago, a part of the shore-line was surveyed by an expedition formally commissioned by Great Britain and that three-quarters of a century ago another officer of the British Navy EXPLORED AND SURVEYED 300 miles of its shore-line.

By progressive steps the remainder of the shore-line of Ellesmere Island was SURVEYED between 1853 and 1902 by British, United States and Norwegian explorers, but it is to be noted that, with the exception of the Greely expedition, which accomplished but little in the way of exploration, neither the United States expeditions nor the Norwegian were commissioned by their respective Governments.

At this point, it seems pertinent to state that there can only be one discovery of an island. Subsequent individuals or expeditions can only explore or survey, though they may claim to have discovered specific topographical features such as capes, bays, mountains, rivers, etc.

¹⁰¹ See Voir 365, footnote, note en bas de page.

While Great Britain has never conceded such sweeping claims, it is noteworthy that, in 1827, during the Oregon Territory negotiations, the United States plenipotentiaries claimed all the country between the 42nd and 49th parallels of latitude, basing their claim upon the mere entrance into the mouth of the Columbia by a private citizen of the United States. Further, these extraordinary pretensions were put forward although it was a matter of common knowledge that Cook and Vancouver took possession of or touched at various points of this portion of the mainland.

The fact of discovery, therefore, was completed when Bylot and Baffin discovered it 309 years ago.

Had the United States subsequently occupied portions of the coast of Ellesmere Island which had been discovered by citizens of that country, such occupation would have formed the basis of a strong claim but upon the facts, as set forth above, it is evident that she has no claim except such attenuated claim as could be founded upon exploration by her nationals upon part of the coast of an island discovered by an English expedition two and one-half centuries earlier, and surveyed to the extent of 300 miles by officers of the Royal Navy, prior to the advent of any citizen of the United States.

The portions of the coast of Ellesmere island which were first explored by citizens of the United States have been coloured as United States territory by some map-makers in that country, and the coast-line first sighted by the Sverdrup expedition has been coloured as Norwegian though, so far as known, neither the Government of the United States nor the Government of Norway has made a "public assertion of ownership" of the areas explored by their nationals, and, in the case of the United States, the lapse of a half-century should bar such claim at the present time.

Similarly, in the case of Norway, the lapse of over twenty years should also bar any claim by that nation.

Again, Kane, Hayes, Hall and Sverdrup were uncommissioned navigators. The money appropriated for the Greeley expedition was for "observation and exploration in the Arctic seas" but neither he nor Kane, Hayes or Hall was commissioned to take possession of lands in the name of the United States. Nor was Sverdrup similarly commissioned on behalf of Norway.

This clearly negatives any claim by the United States or Norway which is based upon discovery by their respective nationals.

Hall says that: "If an uncommissioned navigator takes possession of lands in the name of his sovereign, and then sails away without forming a settlement, the fact of possession has ceased, and a confirmation of his act only amounts to a bare assertion of intention to possess, which, being neither declared upon the spot nor supported by local acts, is of no legal value."

2. Contiguity.

The importance of the principle of contiguity, and its applicability to the present situation, may appropriately be indicated by quotations from United States authorities:

In 1824, Mr. Rush, United States Minister at London, wrote: "It will not be denied that the extent of contiguous territory to which an actual settlement gives a prior right must depend in a considerable degree on the magnitude and population of that settlement, and on the facility with which the vacant adjoining land may within a short time be occupied, settled and cultivated by such population, as compared with the probability of its being thus occupied and settled from another quarter". (Quoted by Westlake, I, pp. 116-117).

In 1844, Mr. Calhoun, U.S. Secretary of State, wrote Mr. Pakenham, British Minister at Washington: "That continuity furnishes a just foundation for a claim of territory, in connection with those of discovery and occupation would seem unquestionable. It is admitted by all, that neither of them is limited by the precise spot discovered or occupied. It is evident that, in order to make either available, it must extend at least some distance beyond that actually discovered or occupied, but how far, as an abstract question, is a matter of uncertainty. . . . How far the claim of continuity may extend . . . can be settled only by reference to the circumstances attending each".

In 1826, Mr. Gallatin, negotiator on behalf of the United States, said:

"The actual possession and populous settlements of the valley of the Mississippi, including Louisiana, and now under one sovereignty, constitutes a strong claim to the westwardly extension of that province over the contiguous vacant territory, and to the occupation and sovereignty of the country as far as the Pacific Ocean.

It will not be denied that the extent of contiguous territory, to which an actual settlement gives a prior right must depend, in a considerable degree, on the magnitude and population of that settlement, and on the facility with which the vacant adjoining land may, within a short time, be occupied, settled, and cultivated by such population, as compared with the probability of its being thus occupied and settled from another quarter".

As to the relative probability of settlement or control by the United States or Norway as compared with Canada — there can be no question. Further, when the difficulties of control in the Arctic, as compared with temperate and torrid regions, are considered and when due weight has been given to such considerations, Canada's title may be claimed to be, if not unquestionable, at least much superior to that of any other nation.

The islands discovered by Sverdrup, namely Axel Heiberg, Amund Ringnes and Ellet Ringnes, are six, eight, and twenty-five miles distant, respectively, from islands which have been acknowledged as British for three-quarters of a century. In addition, they are, as already stated, simply portions of the geographical entity, known as the Canadian Arctic archipelago.

3. Occupation and Control.

The decision of the arbitrators respecting the boundary between British Guiana and Venezuela recognised a principle which materially strengthens the claims of Canada. In this case, British Guiana was awarded the larger portion of the area in dispute because the British and their predecessors in title, the Dutch, had exercised a control over the native inhabitants of that area. The same principle was also recognised in determining the boundary between British Guiana and Brazil which was in dispute for many years.

The awards in each case recognised the principle that such control constitutes effective occupation.

Similarly, Great Britain and Canada have exercised control over the natives of the mainland of Canada and of the Arctic islands between Greenland and the 141st [meridian]. It is true that Ellesmere, Heiberg and the Ringnes islands are not inhabited by natives or white men but it is highly probable that they were so occupied by the Eskimo even in historic times and, since then, have not been occupied by any one else.

In 1670, King Charles II granted a charter to the Hudson's Bay Company. By virtue thereof, the Company for two centuries exercised a proprietary government over the area covered by its charter and established posts throughout the Arctic drainage basin of the mainland. Since the sale of its rights and privileges to the British crown and the transfer thereof to Canada over a half-century ago, the Hudson's Bay Company and other fur-

trading companies have extended their operations to the Arctic islands and have established posts therein[,] thus exercising a control over practically the whole of the native population.

The Canadian Government has established police posts on Ellesmere, Devon and Baffin islands in the eastern portion of the archipelago and at other points in the western portion of the area, these posts being so placed as to dominate the whole of the archipelago, thus furnishing all the control required to maintain its title.

4. Prescription.

The taking possession of Melville, Cornwallis and other islands of the Canadian Arctic archipelago was formally notified to the world, and for three-quarters of a century and more has been unprotected.

Reference may be made to a despatch of Lord Salisbury, of March 18, 1896:

"There is no enactment or usage or accepted doctrine which lays down the length of time required for international prescription, and no full definition of the degree of control which will confer territorial property on a nation, has been attempted. It certainly does not depend solely on occupation or the exercise of any clearly defined acts. All the great nations in both hemispheres claim, and are prepared to defend, their rights to vast tracts of territory which they have in no sense occupied, and often have not fully explored. The modern doctrine of "Hinterland", with its inevitable contradictions, indicates the unformed and unstable condition of international law as applied to territorial claims resting on constructive occupation or control".

In 1904, the Government of Canada published a map showing "Explorations in Northern Canada". On that map, copy of which herewith, the boundary of the Canadian Arctic archipelago, on the east, is delineated by a line passing through the middle of Robeson channel — waters separating the Canadian islands from Greenland — and thence northward to the Pole, and, on the west, by the 141st meridian from the mainland northward to the Pole.

This official map was published twenty-one years ago and obviously, a tacit acquiescence, during over a fifth of a century, on the part of Norway and all other nations, bars their claim to protest the Canadian claim.

In conclusion, it should be pointed out that it is obvious that the specific rules of international law that are considered by the best authorities to be applicable to the torrid and temperate zones are, in such cases as the Canadian Arctic archipelago, not applicable with the same strictness. The effect of measures of control, of contiguity and of settlement must be given very much greater weight than would normally be attached to similar measures in more temperate and habitable regions.

Against any claims by the United States or Norway to territory in the Arctic archipelago, it may be urged that, collectively, these islands form a geographical entity and that discoveries by the nationals or other nations of hitherto unknown units in this entity do not impair the title of Canada. Canada would not necessarily regard the undertaking of such explorations with disfavour any more than she would so regard explorations made on the mainland of Canada in areas that are still unexplored, provided that they be undertaken in such a way as to form an acknowledgment of her sovereignty. But Canada does contend that the nationals of other nations should conform to the regulations and laws of Canada, particularly as such conforming does not impose any hardship upon such nationals.

The following summary of the various regulations in force in Canada applicable to explorers and others visiting northern Canadian territory has been compiled by the Department of the Interior:

1. Customs Laws and Regulations - Foreign Expeditions visiting Canadian Territory are subject to the usual provisions of the Customs laws and regulations.

(a) Before landing supplies at a place other than [a] Canadian Customs port of entry, all foreign goods should be reported and entered at Customs port short of destination, i.e. Sydney, Cape Breton.

(b) Coasting regulations - clearance from one Canadian port to another.

2. Air Regulations - Foreign Expeditions bringing Air Craft into Canada are subject to the regulations of the Royal Canadian Air Force.

(a) Application must be made for permission to enter Canada.

(b) Detailed information concerning the nature of the expedition.

(c) Plans and other information dealing with the machine, showing strength, etc., for the purpose of providing certificate of air worthiness.

(d) Name and qualifications of the pilot. Registration and markings painted on the machine, etc.

3. Immigration: Section 33 of the Immigration Act requires that every passenger or other person seeking entry to Canada shall first appear before, and make application to, an Immigration officer at a port of entry, and shall answer truly all questions put to him by any Immigration officer. Foreign scientists and explorers may not be Immigrants but the Act does not exempt non-immigrants from the necessity of examination on entry and it is within the power of the Immigration Department to compel foreign explorers to apply for entry (Extract from letter¹⁰⁴ - Assistant Deputy Minister, Immigration, 29th May, 1925 - file 4427).

4. Importation of Intoxicants under the N.W.T. Act:-

(a) Special permission in writing from the Commissioner must first be obtained before intoxicants can be manufactured, compounded, or imported into the North West Territories.

(b) Such intoxicants are subject to the Customs and Excise Laws of Canada.

(c) The penalties of such manufacture or importation are set out in part 3, chapter 62, R.S.C. - 1906 (North West Territories Act).

5. Game Regulations. Under the North West Territories Game Act and Regulations[]

(a) No person except a bona fide resident of the North West Territories shall hunt or trap game without securing a license.

(b) No person shall engage in the business of trading or trafficking in game in the North West Territories without first securing a license.

(c) Game license holders are subject to the provisions of the North West Game Act and regulations thereunder.

6. Permits Under the Migratory Birds Convention Act: Migratory game, migratory insectivorous or migratory non-game birds or parts thereof or their eggs or nests may be taken, bought, sold, shipped, transported or possessed for scientific purposes, but only on the issue of a permit by the Minister of the Interior, or by any person duly authorized by him. Such permits may, upon application, be granted to recognized museums, or scientific societies, and to any person furnishing written testimonials from two well known ornithologists. A return of specimens taken under such a permit shall be made to the Minister of the Interior upon the expiration of the permit.

¹⁰⁴ Not found. Non retrouvée.

7. Licenses or permits required by foreign scientists and explorers before entering the North West Territories: An amendment by adding the following paragraph after paragraph (p) of Section 8, of the North West Territories Act, has passed the Commons and is now (4th June, 1925) before the Senate:—

(q) The issuing of licenses or permits to scientists or explorers who wish to enter the said Territories and the prescribing of the conditions under which such licenses or permits may be granted in each case, and the penalties for infractions of such conditions.

This paragraph is intended to make it necessary for foreign scientists and explorers to obtain a permit or license from the Commissioner in Council before entering the North West Territories.¹⁰⁵

372.

Letter from Knud Rasmussen to Director, Northwest Territories and Yukon Branch, Department of the Interior

Lettre de Knud Rasmussen au directeur, Secteur des Territoires du Nord-Ouest et du Yukon, ministère de l'Intérieur

LAC/BAC, RG 85, vol. 584, file/dossier 573

Copenhagen, June 6th. 1925.

O.S. Finnie, Esq.,
Department of the Interior Canada,
North West Territories and Yukon, Ottawa.

Dear Mr. Finnie,

I have just received a letter from my station "Thule" North Greenland with following information from the manager at the Post, Mr. Hans Nielsen:

"Mc.Millan has also been out hunting musk-ox together with three companions (so far as I can understand[,] Eskimos - K.R.) one of them has been here about new year, and as soon as I asked, he told me that they have been in the north-west part of Ellesmeresland and there killed three musk-ox each, 12 animals in all."

Hereby I give you the information as promised, and now you are able to see that you cannot trust declarations from Mc.Millan. So far as I remember, he told you, when you asked[,] that he did not kill any musk-ox on his last expedition.

I should prefer that you kept this information, given by Mr. Hans Nielsen and me confidential, but of course you have the right to inform your Government confidential. My reason for doing this is following: Mc.Millan is living in our district in this winter, and as soon as he know[s] that we are reporting about his hunting-trips to you, it may result in difficulties between him and Hans Nielsen. Your own people will visit the country in the coming summer, and it seems to me to be the only real thing to do that your police inquire Hans Nielsen about what he already has reported to me. Your police will then be able to get the information from the first hand, Hans Nielsen will tell Mr. Wilcox all what he

¹⁰⁵ Sent as despatch 104, 4 June 1925. This version has been printed in a recent documents collection, but the transcription contains numerous errors./ Envoyé sous la dépêche 104, 4 juin 1925. Cette version a été imprimée dans une récente collection de documents, mais la transcription contient de nombreuses erreurs.

See/ Voir Peter Kikkert and P. Whitney Lackenbauer, eds, *Legal Appraisals of Canada's Arctic Sovereignty: Key Documents 1905-56* (Calgary and Waterloo: Centre for Military and Strategic Studies/ Centre on Foreign Policy and Federalism, 2014), doc. 6.

knows, and there will be no difficulty between him and Mc Millan for private reports. Mc Millan is very unscrupulous, therefore I want to protect Hans Nielsen against him, and I do hope you will understand my point of view.

In every case it is absolutely useless that we try to protect the musk-ox for [from?] the Eskimos in the same time Mc Millan declares that the Canadian Government do not mind, if they are doing the hunting in company with him.

with my best regards
yours truly

Knud Rasmussen.

373.

Minutes of meeting of Northern Advisory Board
Procès-verbal de réunion du Conseil consultatif du Nord
LAC/BAC, RG 25, vol. 2669, file/ dossier 9062-C-40
Copy/ Copie

[Ottawa]

Minutes of the fourth meeting of the Interdepartmental Advisory Committee in the office of Mr. W.W. Cory at 4 P.M. Thursday, June 11th, 1925.

Those present were:—

Mr. W.W. Cory,
Mr. O.S. Finnie,
Mr. J.D. Craig,
Col. C. Starnes,
Dr. R.M. Anderson,
Mr. R.A. Gibson,
Mr. W.M. Cory,
Mr. J.B. Harkin,
Dr. O.D. Skelton,
Mr. W.S. Edwards,
Mr. G.J. Desbarats.

The Minutes of the former meeting, having been sent to all the members of the Committee, were adopted.

Re Publicity.

A copy of a proposed statement[†] to the Press, which had been sent to all members of the Committee, formed the basis of a general discussion. It was suggested that that portion of the article acknowledging that Ellesmere Land, Axel-Heiberg and Ringnes were not inhabited by natives or white men be left out. A further suggestion was made that the order of the article be slightly changed. It was eventually decided to appoint a Sub-Committee to re-draft this article and Messrs. Edwards, Skelton, Starnes and Finnie were asked to act in this capacity. (Mr. Craig to represent Mr. Finnie while he was out of the city).

[†] Copies were circulated by Finnie the day before the meeting. Finnie fit et remit des copies à venir de la réunion. See/ Voir Finnie to Edwards, 10 June 1925, and enclosed draft statement et projet de déclaration joint, LAC/ BAC, RG 13, vol. 1961, file dossier 1925-808.

[†] For the final statement as released to the press, see: *Passe la déclaration Finnie diffusée à la presse*, and "Canada's Claims are Explained," *New York Times*, 13 June 1925, p. 17.

Mr. Finnie pointed out that a number of applications had been received from different periodicals asking for information and pictures relating to the trips of the "Arctic". This formed the basis of a short discussion and Mr. Cory stated he would obtain the views of the Minister of the Interior on this general subject.

The method of turning over the news to the Press was also discussed. Some of the members of the Committee expressed the opinion that anything that was being given out for publication to Canadian papers should be done through the Canadian Associated Press so that they would all have an opportunity of placing it in their columns should they so desire. Mr. Cory promised to take this matter up with his Minister also.

Re R.A. Logan's Application.

An application recently made by Mr. R.A. Logan, a former member of the Canadian Air Force, for a lease of four parcels of land for air bases (1) near Cape Columbia on Ellesmere Land, (2) at Craig Harbour, Ellesmere Land, (3) at the northern end of Axel-Heiberg, (4) on the uncharted land near the western boundary of Canada, was discussed but before making any recommendation the Committee felt the matter should be submitted to the Department of National Defence in the usual manner in order that Mr. Desbarats could submit an official report.¹⁰⁸

Re New Post.

The question of the establishment of a new post this year was again discussed but it was finally decided to allow the arrangements agreed on at the last meeting to stand, viz. that if it were impossible to make a landing at Bache, the supplies should be landed at Dundas Harbour.

Re MacMillan Expedition.

The Committee decided that if no reply were received within the next couple of days to the despatch recently submitted through the British Ambassador at Washington it should be followed up with a telegraphic despatch asking for a reply.

The Committee then adjourned to meet again at the call of the Chairman.

374.

Decoded Telegram (Paraphrased) from Chargé d'affaires, Embassy of United Kingdom in United States, to Governor General

Télégramme décodé (paraphrasé) du chargé d'affaires, ambassade du Royaume-Uni aux États-Unis, au gouverneur général

LAC/BAC, RG 7 G-21, vol. 411, file/ dossier 10045

Washington, 12th June, 1925.

Urgent. Secret

No. 51.

With reference to your despatches Nos. 103 and 104, I feel that as the Dominion Government seem to fear that the MacMillan Expedition may end in an attempt on the part of the United States to lay claim to Axel Heiberg and possibly Ellesmere Island, that it would be well to lose no time in intimating to the Government of the United States that

¹⁰⁸ See Voir Logan to King, 5 June 1925, RG 25, vol. 4252, file/ dossier 9057-40, Logan to Finnie, 24 June 1925, MG 30 B-68, vol. 1, file/ dossier "Licenses for Air Harbours in Arctic 1925," and/ et Desbarats to Logan, 19 June 1925; Finnie to Logan, 29 June 1925; Logan to R.S. Finnie, 22 May 1972, LAC/BAC, MG 31 C-6, vol. 10, file/ dossier 13.

Canada regards both these islands as being her territory. You do not state in your despatch No. 103 whether any police or trading posts have been established in Axel Heiberg. I could inform the State Department that such posts have been established in Baffin Island, Ellesmere Island, Axel Heiberg Island, and other sections of the Canadian Northern territories" if this is the case.

If this is not the case, I can refer to MacMillan's reported intention to fly across "certain Canadian Northern territories, including Ellesmere and Axel Heiberg Islands, and to establish an advance base in the latter", in my note to Mr. Kellogg.

I would appreciate a very early reply by telegraph as the Expedition is said to be due to start June 17th.

[H.G. Chilton]

375.

Letter from Under-Secretary of State for External Affairs to Governor General's Secretary

Lettre du sous-secrétaire d'État aux Affaires extérieures au secrétaire du gouverneur général

LAC/BAC, RG 7 G-21, vol. 411, file/ dossier 10045

Ottawa, 13th June, 1925.

Sir,

With reference to a despatch [telegram]¹⁰⁹ (Secret, No. 51) from His Majesty's Ambassador, Washington, I have the honour to request that His Excellency may be humbly moved to inform the British Ambassador, by telegraph, that as indicated in the despatch¹¹⁰ of His Excellency the Governor General of yesterday, the Government of Canada agrees that a more explicit statement should now be conveyed to the United States Government.

No Canadian police or trading posts have ever been established on Axel Heiberg. While Canada considers this island as being her territory, it is probably the area most open to question, though open to question only from the Norwegian and not from the United States Government. It is considered desirable, if the question is raised, to state that Canada claims this island, but it might be well in the first instance to limit reference to air permits to some such phrase as mentioned in yesterday's despatch, namely flying over Ellesmere, Baffin and other islands within Canadian Boundaries. It might be added that legislation formally requiring any scientific or exploring expedition to secure a permit before entering any part of Canadian Northern Territory has been passed this month by both Houses of Canadian Parliament.¹¹¹

¹⁰⁹ Doc. 374.

¹¹⁰ This despatch conveyed the statement made by Minister Stewart to the press. *Cette dépêche contenait la déclaration faite par le ministre Stewart à la presse.* See: Voir *DCER-DRREC*, vol. 3, doc. 542.

¹¹¹ See: Voir doc. 355, footnote¹ note en bas de page.

The Canadian Government Steamer Arctic will sail this month carrying the usual patrols of the Royal Canadian Mounted Police, touching various points including posts on Ellesmere Island.¹¹²

I have the honour to be,

O.D. Skelton
Under Secretary of State
for External Affairs.

The Governor General's Secretary [A.F. Sladen],
Ottawa.

376.

Letter from Hans Krüger to Under-Secretary of State for External Affairs
Lettre de Hans Krüger au sous-secrétaire d'État aux Affaires extérieures
LAC/ BAC, RG 25, vol. 1421, file/ dossier 1925-332

Bensheim a[n] d[er] Bergstr[asse],
June 14th 1925.

Sir [O.D. Skelton]:—

You have been informed already I suppose that I intend to start on an expedition into the Arctic Archipelago during the spring of next year.

Some time ago the Director for the North West Territories has corresponded with me and advised me to apply to you directly, but as I had asked the Secretary of State, Berlin to negotiate with your office I desisted at the time from doing so.

Now the Secretary of State, Berlin has advised me to act on my own and I have the honour to apply to you for the necessary permission to enter Canadian territory within the Archipelago for the purpose of scientific exploration.

As you will see from the enclosed program† of the expedition the aims are strictly and exclusively scientific and the names of the scientists which have helped in preparing this program are a conclusive proof I think that the plans are sound and practicable. Also my own long experience of the wilderness is a pledge that I am "a suitable man for northern work" as Mr. Stefansson wrote to me.

I am sure that the Canadian Government has the greatest interest to forward the exploration of these unknown regions and that the scientific results will be appreciated very much.

Being a scientist I thought at the time that these reasons would be convincing enough, but I have seen from articles in American papers that there is a political side to my plans I have not considered before.

To make the position quite clear I want to state here distinctly that my expedition is a private enterprise and that I am quite willing to accept any conditions you may think necessary for the protection of Canadian interests.

¹¹² A telegram was sent to Chilton the same day./ Un télégramme fut envoyé à Chilton le même jour. See Voir *DCER/ DRREC*, vol. 3, doc. 543, and/ et TNA, FO 371/10650.

Of course I am willing to hand all results of the expedition over to the Canadian Government for information, but I think I may expect that your Government will be prepared to assist my plans not only by permitting my outfit to enter the Canadian Archipelago, but also in regard to fees for hunting and other licenses

Awaiting your favourable reply

I have the honour to be, Sir,
your obedient servant

H.K.E. Kruger

377.

Note from Chargé d'affaires, Embassy of United Kingdom in United States, to Secretary of State, United States

Note du chargé d'affaires, ambassade du Royaume-Uni aux États-Unis, au secrétaire d'État, États-Unis

TNA, FO 371/10650

*Copy/ Copie*¹¹³

British Embassy, Washington,
June 15th, 1925.

No. 627.

Immediate.

Sir:

I have the honour to inform you that the Government of Canada have reason to believe, from statements which have lately appeared in the press, that a scientific expedition, commonly referred to as the MacMillan expedition, organised under the auspices of the National Geographical Society with the co-operation of the United States Navy, will shortly be leaving for the far North for the purpose of exploring and flying over Baffin, Ellesmere, Axel Heiberg, and certain other islands within the northern territories of the Dominion.

As you are doubtless aware, posts of the Royal Canadian Mounted Police have been established in Baffin and Ellesmere islands and other sections of the Canadian northern territories, in addition to which Police patrols through the Arctic islands have created depots of provisions at various centres. There are also a number of Hudson Bay Company posts in existence at island and mainland points.

In these circumstances, and although the Dominion Government have received no intimation from the Government of the United States regarding the route of the MacMillan expedition or of the intention of the members thereof to carry out explorations through and over Canadian territory, they have requested me to inform you of their readiness to furnish the expedition with the necessary permits for an exploring and scientific expedition entering Canadian northern territories, and possibly desiring to fly over Baffin, Ellesmere and the adjoining islands within the boundaries of the Dominion. Legislation formally requiring scientific or exploring expeditions to secure such permits before entering any part of the Canadian northern territories was enacted by both Houses of Parliament this month.

I would also take this opportunity of assuring you of the Canadian Government's readiness to afford the MacMillan expedition any assistance within the power of the Royal

¹¹³ The original of this document is in L'original de ce document se trouve dans NAC P. RG 83, December Files 1910-1929, box 7156, file 800.014 Arctic 2.

Canadian Mounted Police and the other Canadian officers in the north. In this connection, I would add that the Dominion Government, S.S. "Arctic" will sail at an early date on her customary northern patrol and will carry Royal Canadian Mounted Police details and reliefs. This vessel will touch at various points and will visit the police and trading posts on Ellesmere Island.¹¹⁴

I have, etc.,

[H.G. Chilton]

The Honourable Frank B. Kellogg,
Secretary of State of the United States,
Washington, D.C.

378.

Letter from Chief of Biology, Victoria Memorial Museum, to Under-Secretary of State for External Affairs

Lettre du chef de la biologie, Musée commémoratif Victoria, au sous-secrétaire d'État aux Affaires extérieures

LAC/ BAC, RG 25, vol. 4252, file/ dossier 9057-40

Ottawa, June 15, 1925

Dr. O.D. Skelton
Counsellor, Department of External Affairs
Ottawa, Canada

Dear Dr. Skelton,—

[...]

As you know, the treaty of 1867 between the United States and Russia, regarding the purchase of Alaska by the United States, defines the boundary of United States territory as extending northward from a point between the two Diomed Islands in Bering Strait, "thence northward without limit into the frozen ocean." This treaty turned over to the United States the former Russian territories in North America, the limits of which had been agreed upon as far as Great Britain and Russia were concerned in the treaty of 1825.

I have never had the opportunity of reading the treaty of 1825, but my idea has been that probably the treaty of 1867 quoted the words of the treaty of 1825 as far as limits, metes and bounds are concerned. The clause running the western Alaskan boundary indefinitely north into the frozen ocean, seems to have bound the United States from claiming any rights in regard to Wrangel Island, and if the eastern boundary of Alaska, the 141st meridian of west longitude, was prolonged as explicitly in these treaties, or either of them, it might have an equal effect on Canadian rights east of the 141st meridian.

¹¹⁴ When this document was written, the State Department had already decided that there was not sufficient time before the MacMillan expedition departed to determine which islands should be recognized as Canadian. Therefore, no application for permits was made. It was, however, decided that the expedition should avoid flying over Baffin Island because it was indisputably Canadian territory.

Lorsque ce document fut rédigé, le département d'État américain avait déjà décidé qu'il n'y avait pas assez de temps avant le départ de l'expédition MacMillan pour déterminer les îles devant être reconnues comme canadiennes. Donc, aucune demande de permis ne fut faite. Il fut cependant décidé que l'expédition devait éviter de survoler l'île de Baffin parce qu'elle était incontestablement un territoire canadien.

See/ Voir Irving N. Linnell to W.R. Castle, 9 June 1925, NACP, RG 59, Decimal Files 1910-1929, box 295, file 031.11 M221.

[...]

Possibly you have noticed, in The New York Times of Friday, June 12, 1925, that a Mr. Hambro, of the Foreign Affairs Committee of the Norwegian Parliament, is quoted as saying that Norway claims Axel Heiberg Island and the two Ringnes Islands by discovery and subsequent claim. He considers them of value because they are near to Norway. The New York Times also has a long editorial on [the] same date making light of Canadian claims.

Yours sincerely,

R.M. Anderson
Chief, Division of Biology

379.

Despatch from Chargé d'affaires, Embassy of United Kingdom in United States, to Secretary of State for Foreign Affairs

Dépêche du chargé d'affaires, ambassade du Royaume-Uni aux États-Unis, au secrétaire d'Etat aux Affaires étrangères

TNA, FO 371/10650

British Embassy, Washington.
June 17th, 1925.

No. 874.

Confidential.

Sir:

I have the honour to report, with reference to my despatch⁶ No. 855 of the 10th instant, respecting the MacMillan scientific and exploring expedition to the arctic regions, that on June 11th, I received from His Excellency the Governor-General of Canada two despatches⁷ furnishing me confidentially with an explanation of the Dominion Government's claims to jurisdiction over all territories in the north bounded on the east by a line passing midway between Greenland and Baffin, Devon and Ellesmere islands and thence northward to the pole, and on the west by the 141st meridian from the mainland of North America indefinitely northward. Lord Byng also requested me to inform the United States Government that although the Dominion authorities had received no official intimation from the Government of the United States of the intended route of this expedition or of the desire of members thereof to explore and fly over Baffin, Ellesmere and other Canadian territories, they would be glad to instruct the Royal Canadian Mounted Police posts on Ellesmere island to afford the expedition all the assistance in their powers. Copies of Ottawa despatches Nos. 103 and 104 of the 4th instant are enclosed for your information.

2. As I gained the impression, after perusing this correspondence, that the Canadian Government entertained some suspicion that the MacMillan expedition, which, after crossing Ellesmere island, is to establish its advanced headquarters at a northwestern point of Axel Heiberg island, might result in an attempt on the part of the United States to lay claim to that territory, I decided, before approaching the Department of State, in accordance with Lord Byng's request contained in His Excellency's despatch No. 103, to

⁶ "Won't Claim Title to Lands in Arctic: Washington Will Ask MacMillan Expedition to Loyal Sovereignty for Later Decision: Norway's Rights Asserted: C.J. Hambro Says She Claims Ownership of Axel Heiberg Land and Ringesland," p. 21; "Canada's Polar Title," p. 18.

⁷ See: Voir doc. 371, enclosures pièces jointes.

consult the Dominion authorities further in the matter, and at the same time I ventured to put forward certain suggestions as to the form which any note I might address to the United States Government might take. I accordingly telegraphed confidentially to Government House, Ottawa, and a copy of my telegram¹¹⁷ is enclosed herein, together with a copy of the reply¹¹⁸ thereto, which you will observe, although marked "SECRET" was merely coded in the Government Telegraph Code. Immediately upon receipt of this telegram, I addressed a communication¹¹⁹ to the United States Government, a copy of which I beg leave to transmit to you herewith.

3. I trust that the terms of this communication, and the action which I have taken on behalf of the Dominion Government, will meet with your approval.

I have the honour to be,
with the highest respect,
Sir,
Your most obedient,
humble servant,
H.G. Chilton

The Rt. Hon. Austen Chamberlain, M.P.,
etc., etc., etc.

Minutes/ Notes

The Canadian Gov^t are evidently uneasy about the intentions of the MacMillan Expedition & of the U.S.G. We cannot form any sound opinion as to the grounds for this uneasiness until the U.S.G. answer M^r Chilton's note of June 15.

At the time of the U.S. Airship Shenandoah's [planned] flight last year, however, I think some U.S. official did speak of the importance for the U.S.A. of owning landing places for air-craft in the North Polar regions.¹²⁰

The argument of the Canadian Gov^t that the Polar regions north of Canada are part of Canadian territory by extension is presumably one reason for their unwillingness to claim Wrangel Island, which the Russian Gov^t claimed as being an extension of the Siberian continental plateau.

The Canadian claim seems a strong one, & it is to be hoped that the U.S.G. (& the Norwegian Gov^t) will not raise serious claims to any of this territory, for such a claim might lead to a good deal of friction.

? copy C.O. for obsⁿ, & ask for copies of maps mentioned in Ottawa despt: of June 4 & copy Oslo.

R.I. Campbell 2/7

We might also inform the C.O. that we propose to approve M^r Chilton's action, subject to their concurrence.

R.L. Craigie 2/7

Sir A. Willert to see
R. Vansittart July 2

¹¹⁷ Doc. 374.

¹¹⁸ See/ Voir doc. 375, footnote/ note en bas de page.

¹¹⁹ Doc. 377.

¹²⁰ See Voir "Annexation of Land at Pole, If Any, Aim of Navy, Says Denby," *New York Times*, 20 January 1924, p. 1.

380.

Note from Secretary of State, United States, to Chargé d'affaires, Embassy of United Kingdom in United States

Note du Secrétaire d'Etat, Etats-Unis, au chargé d'affaires, ambassade du Royaume-Uni aux Etats-Unis

TNA, FO 371/10650

Copy/ Copie

Department of State, Washington.

June 19, 1925.

Sir:

I beg to acknowledge the receipt of your note No. 627, dated June 15, 1925, concerning the proposed MacMillan Exploring Expedition. It is the understanding of this Department that the Expedition in question will sail from Wiscasset, Maine, on June 20, directly to Etah, Greenland, and that no flights over Baffin Island are contemplated.¹²¹ The planes attached to the Expedition are expected to fly from Etah across Ellesmere Island to Axel Heiberg Land, and to establish a base there from which exploration flights to the northward and westward may be made.

A copy of your note has been forwarded to the other interested Departments of this Government and, upon receipt of further information, I shall address a communication to you dealing with the other questions raised in your note.

In order that full information may be available for use in studying these questions, I shall be grateful if you will inform me what constitutes a post of the Royal Mounted Police mentioned in the second paragraph of your note and the establishment thereof, where such posts have been established, how frequently they are visited, and whether they are permanently occupied, and, if so, by whom.

I desire to thank you for the offer of cooperation by any Canadian agency which may temporarily be in the same territory with the MacMillan Expedition and I am sure that the persons responsible for the Expedition will also appreciate the kind offer of the Canadian Government. The Scientific character of the Expedition and the experience of those participating in it give assurance that useful data and information of value to the world will unquestionably result from their efforts.

Accept, Sir, the renewed assurances of my high consideration.¹²²

[Frank B. Kellogg]

Mr. Henry Chilton, C.M.G.,

Envoy Extraordinary and Minister Plenipotentiary,

Chargé d'Affaires ad interim of Great Britain.

¹²¹ The State Department believed that Baffin Island was unquestionably Canadian territory, and had recommended against any flights in that area. Le département d'Etat américain avait soutenu l'avis que le Baffin était indiscutablement un territoire canadien et avait recommandé d'éviter tout survol de cette région.

¹²² See/ Voir doc. 377, footnote, note en bas de page.

¹²² Chilton telegraphed the substance of Kellogg's reply to Bony on 20 June. A copy of the note itself was forwarded on the same day. Chilton's telegraph to Kellogg, and the return of Kellogg to Bony, of 20 June. Une copie de la note diplomatique comme telle fut envoyée le même jour.

See/ Voir LAC BAC, RG 7 G-21, vol. 411, file dossier 10045

381.

Letter from Under-Secretary of State for External Affairs to Knud Rasmussen**Lettre du sous-secrétaire d'État aux Affaires extérieures à Knud Rasmussen****LAC/ BAC, RG 25, vol. 1386, file/ dossier 1924-1324****Copy/ Copie**

Ottawa, 20th June, 1925

My dear Dr. Rasmussen,

Your letter of May 5th, on the subject of the application on behalf of the Royal Canadian Mounted Police for permission to land material and supplies at Etah for transport to Cape Sabine, was duly received. An answer was deferred pending the receipt of the further communication from the Danish Foreign Office to which you referred.

We have now received through the British Foreign Office the official authorization† from the Government of Denmark for the privilege requested, along with an informal communication† pointing out some of the difficulties which might be involved.

We have replied† through the British Foreign Office, thanking the Danish Government for its courtesy, and adding that in view of the difficulties which have been brought to our attention, if it is found impossible to reach Bache Peninsula by steamer, the stores may be landed at Dundas Harbour.

Inspector Wilcox, who will be in charge of the Police party, has been instructed in case it is found necessary to visit Etah, to put himself in touch at once with Mr. Hans Nielson, Manager of the Cape York station, Thule.

The question of the movements of Greenland Eskimos has been considered by the Department of the Interior and the Royal Canadian Mounted Police. The Canadian Government fully realizes the importance of not disturbing the native population on the north western shore of Greenland. It is understood that there is no objection to the use occasionally of a Greenland Eskimo family for temporary assistance. The Canadian Government, however, has never contemplated in any way the permanent transfer of any number of such Eskimos to Ellesmere Island or other Canadian territory. At the same time, to make the situation explicit, instructions† have been issued to Inspector Wilcox that the Police party is in no way to entice Eskimos from any part of Greenland to Ellesmere Land.

I have pleasure in acknowledging on behalf of the Government Departments concerned, the very courteous and helpful character of your discussions with them during your recent visit to Ottawa.

Yours sincerely,

[O.D. Skelton]

Dr. Knud Rasmussen,
c/o The Royal Danish Consulate General,
Montreal.

382.

Letter from Under-Secretary of State for External Affairs to Chief of Biology,
Victoria Memorial Museum

Lettre du sous-secrétaire d'État aux Affaires extérieures au chef de la biologie, Musée
commémoratif Victoria

LAC/BAC, RG 25, vol. 4252, file/ dossier 9057-40

Copy/ Copie

[Ottawa,] June 20, 1925.

Confidential.

Dr. R.M. Anderson,

Chief, Division of Biology,

Victoria Memorial Museum, Ottawa.

My dear Dr. Anderson:

[...]

The point you raise as to the bearing of the treaties of 1825 and 1867 on the question of whether the 141st meridian can be held to constitute a boundary in the waters of the Arctic Ocean from the mainland to the Pole is of much interest.

Article III of the Treaty of 1825 between Great Britain and Russia runs as follows:

"Commencing from the Southernmost Point of the Island called Prince of Wales Island, ... the said line shall ascend to the North along the Channel called Portland Channel, as far as the point of the Continent where it strikes the 56th degree of North latitude; from this last-mentioned Point, the line of demarcation shall follow the summit of the mountains situated parallel to the Coast, as far as the point of intersection of the 141st degree of West longitude (of the same meridian); and, finally, from the said point of intersection, the said Meridian Line of the 141st degree, in its prolongation as far as the Frozen Ocean, shall form the limit between the Russian and British Possessions on the Continent of America to the North-West."

It will be noted, then, that the 141st meridian is taken as the boundary only to the Arctic Ocean.

Article I of the Treaty of 1867 between the United States and Russia provides that the eastern limit of Alaskan territory is the line of demarcation between the Russian and British territories in North America, as set out in the above Convention of 1825, and then continues in part as follows:

"The western limit within which the territories and dominion conveyed are contained passes through a point in Behring's Straits on the parallel of sixty-five degrees thirty minutes north latitude, at its intersection by the meridian which passes midway between the islands of Krusenstern or Ignalook, and the island of Ratmanoff, or Noonarbook, and proceeds due north without limitation, into the same Frozen [Arctic] Ocean."

The article continues with a southward delimitation indicating that the Aleutian Islands east of the 193rd meridian are to be conveyed to the United States.

It is true that the provisions as to the western limit of Alaskan territory indicate that it "proceeds due north without limitation, into the same Frozen Ocean." The endeavor to trace a boundary line through the ocean is, however, made only on the western and not on the eastern boundary. It might be held, of course, that the action on the western boundary would afford a precedent for similar action on the eastern boundary; but, in the first place, this action was not taken in the case of the eastern boundary; and, in the second place, the attempt of the United States to base its control over pelagic sealing in [the] Behring Sea on

part upon the provisions of this treaty with Russia was very vigorously combatted by Canada and Great Britain, and ruled against by the international court of arbitration.

As a matter of fact, I think there is practically no precedent for any claim on our part to territorial control over part of the Arctic Ocean or over undiscovered islands in that area.¹²³ The fact that islands hereafter to be discovered lie east of the 141st meridian would at most give some ground for a claim on the plea of contiguity and pre-emption, but it is very doubtful whether such a plea would be valid as against discovery on the part of some other country, followed up by measures of occupation. Our claim to the discovered islands is strong, but our claim to the undiscovered territory¹²⁴ is really quite dubious.

As you note, I believe Mr. Hambro, member of the Norwegian Parliament, has been reiterating Norway's claim to Axel Heiburg and the two Ringnes islands. We have never replied to Norway's inquiry¹²⁵ as to these islands, but I believe we will probably take up the matter at the next meeting of the Advisory Committee.

Yours sincerely,

[O.D. Skelton]

383.

Memorandum from Director, Northwest Territories and Yukon Branch, to Deputy Minister of the Interior

Note du directeur, Secteur des Territoires du Nord-Ouest et du Yukon, au sous-ministre de l'Intérieur

LAC/ BAC, RG 85, vol. 602, file/ dossier 2502

Ottawa, 24th June, 1925.

Memorandum:

W.W. Cory, Esq., C.M.G.,
Deputy Minister – Interior.

The Steamer "Arctic" will probably get away on Monday or Tuesday – the 29th or 30th instant. She had intended leaving a day or so before but owing to the use of the wharf at Quebec for the reception of Earl Haig the "Arctic" will have to move away and loading will be suspended for a day or so.

Colonel Starnes telephoned me this morning to know what instructions he should give Inspector Wilcox regarding MacMillan or other foreigners who might land on Ellesmere or other islands. There is a possibility that dogs may be taken on the Island for the purpose of rounding up musk-ox. Although MacMillan denied having killed musk-ox last year the information from the Police, which is now corroborated by Danish officials at Thule, Greenland, would indicate that he did kill them. If this should be again attempted what

¹²³ These comments do not mean that Skelton did not consider the 141st meridian to be a valid boundary with respect to the known Arctic islands, and indeed he had endorsed such an idea when he submitted James White's version of the sector theory to Mackenzie King, who in turn submitted it to Council for approval.

Ces commentaires ne signifient pas que Skelton ne considérait pas le 141^e méridien comme étant une limite territoriale valide pour les îles arctiques connues et, en fait, il avait endossé une telle idée lorsqu'il soumit la version de James White de la théorie du secteur à Mackenzie King, qui, à son tour, la soumit au Conseil pour approbation.

¹²⁴ It was White's opinion that no additional islands existed. White était d'avis qu'aucune autre île n'existait. See/ Voir Cory to Finnie, 16 June 1925, LAC/ BAC, RG 85, vol. 759, file/ dossier 4834.

¹²⁵ Doc. 339.

action should be taken by the Police? The probability is nothing unusual will happen while the Steamer "Arctic" is there but after she leaves MacMillan may make up a party to again invade the musk-ox.

I think the Police should be requested to enforce the North West Game Act, but before replying definitely will you kindly let me have your instructions.

O.S. Finnie

384.

Despatch from Chargé d'affaires, Embassy of United Kingdom in United States, to Secretary of State for Foreign Affairs

Dépêche du chargé d'affaires, ambassade du Royaume-Uni aux États-Unis, au secrétaire d'Etat aux Affaires étrangères

TNA, FO 371/10650

British Embassy, Manchester, Mass.
June 25th, 1925.

No. 914.

Confidential.

Sir:

In continuation of my confidential despatch No. 874 of the 17th instant on the subject of the MacMillan scientific and exploring expedition to the Arctic regions, I have the honour to transmit to you herewith copy of a note from the United States Government replying to my communication of June 15th, a copy of which was enclosed in my despatch under reference. While it will be seen from the contents of the State Department note that I may expect to receive a more detailed reply to my representations in due course, I would draw particular attention to the wording of the opening sentence of the fourth paragraph of Mr. Kellogg's note, which runs as follows:

"I desire to thank you for the offer of co-operation by any Canadian agency which my temporarily be in the same territory with the MacMillan expedition ..."

In this connection, you will recollect that in my note of June 15th, I specifically informed the United States Government that posts of the Royal Canadian Mounted Police had been established in Ellesmere island, and in certain other Canadian northern territories. It occurs to me therefore that the use of the word "temporarily" in Mr. Kellogg's interim reply may indicate that the United States Government are not disposed, at present at any rate, to recognise the claim of the Government of Canada to sovereignty over the island in question. If this be so, it may be assumed that the [R]epublican government are even less likely to accept the Canadian claim to Axel Heiberg island.¹²⁶

The recent departure of the MacMillan expedition and the hints which have been dropped by the Department of State that its proposed activities have not been too well received in the Dominion of Canada have given rise to some interesting press comment. Thus, on the 22nd instant, the "New York Times" published an editorial article on the subject[,] of which the following is an extract:

¹²⁶ Marginal note:/ Note marginale :
Approved. W.W. C[ory]

¹²⁷ Doc. 380.

¹²⁸ Marginal note:/ Note marginale :
? [Author unknown: Auteur inconnu]

"While the activities of MacMillan are to be multifarious, the discovery of land north of Alaska which could be claimed as American territory would stand out as his greatest achievement.... Perhaps the new land could never be used, not even for an aeronautical station between the North American continent and Japan, but geographers would be no less elated than the plain American. The North Pole is ours (if we want it) by virtue of Peary's planting the national colours. Why shouldn't the land that has been indicated by peculiar ice formations seen in the polar sea, by significant tidal variations, and by the sight of birds' nests and eggs in the drift that comes from somewhere in the uncharted [uncharted] space, be found and claimed by Americans?"¹²⁹

On the other hand, the Washington "Evening Star" of the same date contained an article by Mr. David Lawrence, whom I know to be closely in touch with the Department of State, to the effect that the United States Government deprecated at the present time any discussion over any possible discoveries of land which might be made by the MacMillan expedition. "As it is now" wrote Mr. Lawrence, "the claims of the past are very vague and permit of plenty of controversy. But the Washington Government sees no profit in arguing about it. The Canadian Government has not made formal protest to the United States, contenting itself with informal conversations on the subject with the Navy Department, which is sending the flyers to the north.... When MacMillan asked the status of the case, he was told there was no status. Since then, however, he has announced that he will claim the land for the State of Maine, and a naval officer at a banquet, supposed to be speaking for Secretary Wilbur, is quoted as having asserted the Navy would back up such a claim. These statements are not taken seriously by the Washington Government, which lets it be known that discussion of the subject in advance serves no useful purpose."¹³⁰

A copy of this despatch is being communicated to His Excellency the Governor-General of Canada.

I have the honour to be,
with the highest respect,
Sir,
Your most obedient,
humble servant,
H.G. Chilton

The Rt. Hon. Austen Chamberlain, M.P.,
etc., etc., etc.

Minutes/ Notes

There could & w^d be no objection on the part of the Canadian Gov^l to a U.S. claim to any land discovered directly between Alaska & the North Pole. On the other hand Canada w^d object to a U.S. claim to land lying between Canada & the North Pole.

¹²⁹ "MacMillan's Chance," *New York Times*, 22 June 1925, p. 14.

¹³⁰ David Lawrence, "Bans Filing Claim to Unknown Area: Lands MacMillan May Discover Future Issue, State Department Says," *Evening Star* (Washington, DC), 22 June 1925, p. 5.

Lawrence also reported that: / Lawrence rapporta aussi que :

[T]he Department of State refuses to enter into a hypothetical controversy with so good a neighbour as Canada. When land is discovered, there will be time enough, in the opinion of officials here, to take the subject up with Canada and reach an amicable understanding as to the future status of the territory.

It is just as well that they sh^d make their position known to the U.S.G. & the latter are wrong in wishing to postpone discussion till a U.S. expedition discovers new land amidst the acclamation of the Press.

? Copy C.O.

R.I. Campbell 8/7

Treaty Dept (see below)

Mr Kellogg's reply is a little ominous, & there is likely to be dispute in the future. We can hardly meet with trouble halfway, for it will be for the Canadian Govt to decide whether, on this reply, they wish or feel able to be more categorical.

Vansittart July 9

The Canadian Govt. should formulate their claim as soon as possible, and I think we should make this recommendation to the C.O., with ref. to the correspondence concerning Norwegian claims in the Antarctic [...], where we are proposing to say to the Norwegian Minister that "H.M.G. share the view of the Norwegian Govt. that no nation can justly lay claim to undiscovered territories which do not form part of known territory." The Canadian claims, as pointed out by Mr. Campbell in the margin of the Gov. Genl's despatch of June 4th, are not at all clear, in particular they ought to confine their claims to land & not to include large areas of the high seas. We should help them to do this as soon as possible, in order to prevent American encroachments into those areas. Opportunity might be taken to claim Hudson's Bay publicly as an inlet within the national British territory of Canada, which we believe to be the desire of the Canadian Govt.

Q[uer]y. Express this view, imm^d to the C.O. and Admy, sending both depts. copies of these despatches.

[...]

F.E.F. Adam 13 7/25

I doubt whether we should express any view to C.O. at present stage, unless it is that a claim by Canada to a line midway between Greenland & Baffin Island etc would not be in accordance with our view about the 3 mile limit.

Q[uer]y², copy CO.

G.R. Warner July 15

¹ Campbell had been confused by the statement that Canada's claim was "bounded on the east by a line passing midway between Greenland and Baffin, Devon and Ellesmere islands." He read it to mean that the boundary passed between Greenland and Baffin Island, then between Devon Island and Ellesmere Island, thus excluding Ellesmere. Another official later pointed out the correct interpretation based on Campbell's marginal note on Byng's despatch 104.

Campbell avait été ambrouillé par la déclaration selon laquelle la revendication de Canada était « bounded on the east by a line passing midway between Greenland and Baffin, Devon and Ellesmere islands ». Il a interprété la limite territoriale comme passant entre le Groenland et l'île de Baffin, puis entre l'île Devon et l'île d'Ellesmere, donc excluant Ellesmere. Un autre fonctionnaire a depuis précisé l'interprétation correcte à côté de la note marginale de Campbell sur le dépêche 104 de Byng.

¹¹² At this time, it does not appear to have been the intention of Canadian officials to claim anything other than the land areas within the sector lines. See doc. 382.

À ce moment, il ne semble pas que les responsables canadiens aient eu l'intention de revendiquer autre chose que les zones terrestres à l'intérieur des lignes de secteur. Voir doc. 382.

Mr. Malkin
Northern Dept.

I do not think this is a question to get hot over, at any rate at the present stage. The trouble about territorial waters can be avoided by the very simple expedient of Canada limiting her claim to the land lying between certain lines. As regards the communication which the Dominions Department might make to the Canadian Government in sending a copy of Mr. Kellogg's note, I think it might be useful that a suggestion should be made to the Canadian Government that, with a view to some possible occasion in the future when the Canadian claims might be called in question, it might be useful if the Dominion Government were to collect such evidence and material as there is available substantiating the Canadian claim. This should not be done with a view to saying anything to the American Government now, but with a view to placing on record such evidence and information as exists. If there should be any conflict of view in the future between the United States and Canada as to their respective rights in land between the existing admitted territorial claims and the North Pole, it will turn on the facts of discovery and occupation, etc., more than on diplomatic notes.

C.J.B. H[urst] 16th July, 1925.

Q[uer] Copy CO with observations in the sense of Sir C. Hurst's minute.

G.R. W[arner] July 16.

V[ansittart]

385.

Letter from Deputy Minister of the Interior to Commissioner, Royal Canadian Mounted Police

Lettre du sous-ministre de l'Intérieur au commissaire, Royale gendarmerie à cheval du Canada

LAC/BAC, RG 18, vol. 3757, file/dossier G-516-37

Ottawa, 29th June, 1925.

Dear Sir,

At the meeting in my office, on Saturday the 27th instant, at which Dr. Skelton, Mr. Gibson, Mr. Finnie and yourself were present, you asked me what attitude your officers, in the eastern Arctic should assume this year, in case they came in touch with Dr. D.B. MacMillan.

The matter is one in which Inspector Wilcox will require to exercise a good deal of discretion but in general the Game and other Acts should be enforced. Corroboration has been received from Dr. Rasmussen, through the Danish Officer, at Thule, Hans Nielson, that MacMillan, a year or more ago, hunted musk-ox, with three Eskimo companions, on Ellesmere Island. It is stated the party were in the north-western part of the Island and that they killed three animals each—twelve in all. When Dr. MacMillan's attention was drawn to this, by Mr. Finnie, after his return last Fall, he completely denied having killed any animals in "Canadian Territory".

I think it would be well to have your officers keep a close tab on Dr. MacMillan and if any other such raids are made on our musk-ox, and if you can get in touch with him, he should be summoned in the usual way, under the North West Game Act and Regulations.

As regards the Law concerning foreign aircraft flying over Canadian Territory, the probability is you will not see MacMillan on Ellesmere and, therefore, will not be able to draw his attention to this regulation. If, however, he should be met on Canadian Territory it would be well to ask him if he is in possession of the usual permit. He might also be asked whether he has a permit required under the North West Act, for foreign scientists and explorers to carry on their work in the North West Territories.

Yours very truly,

W.W. Cory

Colonel Cortlandt Starnes, Commissioner,
Royal Canadian Mounted Police,
Ottawa.

386.

Instructions from Commissioner, Royal Canadian Mounted Police, to Officer Commanding Eastern Arctic Sub-District
Directives du commissaire, Royale gendarmerie à cheval du Canada, à l'officier commandant le sous-district arctique oriental
LAC/BAC, RG 18, vol. 3757, file/dossier G-516-37
Copy/ Copie

[Ottawa,] June 29th 1925.

Inspector C.E. Wilcox,
R.C.M. Police,
Headquarters, Ottawa, Ontario.

1925 PROGRAMME EASTERN ARCTIC SUB-DISTRICT.

As the S.S. "Arctic" will sail for the Eastern Arctic detachment on Tuesday, 30th June, 1925, I deem it well to supplement our personal conversations with respect to this year's proposals with the following, in writing, before you leave.

It is proposed this year, as in the past, for you to visit and inspect all detachments at present established, and to take them such stores as have been requisitioned for

[...]

In addition to visiting and inspecting all detachments at present established, it is proposed, as you already know, to attempt to establish a new detachment at Bache Peninsula. If on account of ice or other conditions it is found impossible to reach this destination, you are hereby instructed to bring all the stores and mail for the new detachment back to Dundas Harbour, the stores to be landed there, and given such protection as may be possible, to await re-shipment another year. The mail for the new detachment should be handed over to the N.C.O. in charge at Dundas Harbour, so that it may be taken to the new detachment when the next attempt is made.

On account of the conditions peculiar to the Eastern Arctic Sub-District, it is useless for me to attempt to give you more than general instructions. In the past, you have exercised good judgment, and you have authority again this year to distribute the men to the best advantage to suit local conditions and circumstances as they arise.

You have one Eskimo¹³³ returning with you on the S.S. "Arctic" who will be landed at Ponds Inlet, and I have written you separately regarding the terms of this man's Ticket-of-Leave.

In view of the proposed itinerary of Dr McMillan's expedition to the Arctic, it may be quite possible that you will come into contact with this party, and for your information and guidance, I enclose copy of a letter¹³⁴ received from the Deputy Minister of the Interior, under today's date, setting forth the opinion of the Department of the Interior in this matter. I discussed what action you should take with regard to the North West Game Act, and also with regard to Dr McMillan's flying operations, this morning, and I am sending you, under separate cover, a copy of the Air Board Regulations.

I trust you will find that the conditions on your return to the various detachments to be satisfactory, and that the Non-Commissioned Officers in charge have carried out their duties in a proper manner. I also trust that the personnel of all your detachments will be found to be in good health, and I shall be glad if you will give all ranks my best wishes for the future.

Please make it a point to notify all detachments of the dates when it is proposed to broadcast messages to them by radio, so that they may be in a position to receive such messages as it may be found possible to get through.

[...]

Please let me have a report from you before the "Arctic" returns to civilization, so that I may know how you found conditions at the different detachments you inspect, and if you were successful in reaching Bache Peninsula, and at what post you intend to stay at for the winter; your distribution of personnel, etc. If you can give me any idea of the 1926 requirements before the "Arctic" leaves, so much the better.

All returns of Game Animal Licenses, Wolf Bounty, Game Bird Licenses etc., must be sent back by the "Arctic" and please make sure that every N.C.O. in charge understands the regulations respecting the issue of these. These matters are becoming a very important part of our Interior Economy, and it is most essential that the returns are made out promptly and properly, so that they can be dispatched at a moment's notice on the arrival of the "Arctic" at any detachment.

[Cortlandt Starnes]
Commissioner.

¹³³ This was Nookudla (Nuqullaq), the man convicted of murder in 1923, who had been released from prison because he was suffering from tuberculosis. He was believed to have been cured and was therefore sent home.

C'était Nookudla (Nuqullaq), l'homme reconnu coupable de meurtre en 1923, qui avait été libéré de prison parce qu'il souffrait de tuberculose. On a cru qu'il était guéri et il a donc été renvoyé chez lui.

¹³⁴ Doc. 385.

387.

Note from *Chargé d'affaires, Embassy of United Kingdom in United States, to Secretary of State, United States*

Note du chargé d'affaires, ambassade du Royaume-Uni aux États-Unis, au secrétaire d'État, États-Unis

TNA, FO 371/10650

*Copy/ Copie*¹³⁵

British Embassy, Manchester, Mass.
July 2nd, 1925.

No. 676.

Sir,

In continuation of my note No. 627 of the 15th [ultimo], and in response to the specific enquiries contained in your note of the 19th ultimo, I have the honour to inform you that I have received the following particulars from the Governor General of Canada regarding posts of the Royal Canadian Mounted Police established in Baffin and Ellesmere islands and other sections of the Canadian Northern territories:

A Mounted Police post in so far as buildings are concerned is composed of a small barracks to house members of the Force and separate buildings for storing supplies. In so far as personnel is concerned, each post is in charge of a non-commissioned officer with two or three constables for duty and patrols, and the necessary number of natives to act as dog drivers, guides and interpreters.

The Posts established in the Eastern Arctic Sub-District include the following

Baffin Island

- (1) Pangnirtung, Cumberland Sound.
- (2) Ponds Inlet, on the North end of the island.

Devon Island

- (1) Dundas Harbour.

Ellesmere Island

- (1) Craig Harbour, (South of the island)
- (2) Rice's Strait, (near Cape Sabine).

All the above mentioned posts are permanently occupied by members of the Royal Canadian Mounted Police, with the exception of Rice's Strait, near Cape Sabine, where stores only have been placed, pending the arrival of buildings for a permanent post and personnel, which are being sent up this year.

The above Sub-District is in charge of a Commissioned officer of the Royal Canadian Mounted Police who resides at any one of the posts, as circumstances demand. All the posts are visited once a year by the Commissioned Officer mentioned and by the officials of the Canadian Department of the Interior.

In regard to the duties of members of the Royal Canadian Mounted Police stationed in the Eastern Arctic, it may be added that all the Mounted Police Detachments in the Eastern Arctic are Post Offices and Customs Ports, and the Non-Commissioned Officers in charge have been appointed Postmasters and Collectors of Customs.

Furthermore, the duties of members of the Force stationed in the Eastern Arctic include the supervision of the welfare of the Eskimo for the Department of Indian Affairs.

educating them as far as possible in the White Man's Laws and issuing destitute relief where necessary, enforcement of all the Ordinances and Regulations of the Northwest Territories, including Game Laws and the protection of Musk Oxen, and the issue of Game, Animal and Bird Licenses to the various Trading Companies, the supervision of liquor permits, the enforcement of the Migratory Birds Convention Act for the Department of the Interior, the enforcement of the Criminal Code and Assistance to the Post Office and Customs Department, as set forth in the last paragraph above, as well as to the Department[s] of Mines and Agriculture in the collection of Eskimo material and ethnological and biological specimens.

Members of the Force are also called upon to assist in the taking of the Census and assisting the Director of Meteorological Service in the taking of readings at the different Posts from time to time, and to supply topographical information to the Federal Service.

In addition, Police patrols to surrounding settlements and Eskimo villages and also extended patrols to remote points are also made by each detachment for the purpose of obtaining the information required.

In bringing the above information to your notice, I have the honour to renew the assurance conveyed to you in my above mentioned note of the Canadian Government's readiness to afford the MacMillan expedition any assistance within the power of the Royal Canadian Mounted Police and the other Dominion officers in Canadian Northern territories.¹³⁶

I have the honour to be,
with the highest consideration,
Sir,
Your most obedient,
humble servant,
[H.G. Chilton]

The Honourable Frank B. Kellogg,
Secretary of State of the United States,
Washington, D.C.

¹³⁶ The State Department sent no reply to this note. A draft response stated that while the United States did not object to, and indeed was in accord with, Canada's desire to extend its authority over the archipelago, Canada did not appear to have established effective occupation in some of the islands within the limits it claimed. However, Irving Linnell observed that such an answer would likely start a controversy which it would be better to avoid.

Le département d'État américain n'envoya aucune réponse à cette note. Un projet de réponse indiquait que, même si les États-Unis n'avaient pas d'objections et étaient, en fait, d'accord avec la volonté du Canada d'étendre son autorité sur l'archipel, le Canada ne semblait pas avoir établi une occupation réelle sur certaines des îles à l'intérieur des limites qu'il revendiquait. Cependant, Irving Linnell observa qu'une telle réponse déclencherait probablement une controverse qu'il valait mieux éviter.

See/ Voir Peter Kikkert and P. Whitney Lackenbauer, eds, *Legal Appraisals of Canada's Arctic Sovereignty: Key Documents, 1905-56* (Calgary and Waterloo: Centre for Military and Strategic Studies/ Centre on Foreign Policy and Federalism, 2014), doc. 10.

388.

Letter from Technical Adviser, Department of Justice, to Under-Secretary of State for External Affairs

Lettre du conseiller technique, ministère de la Justice, au sous-secrétaire d'État aux Affaires extérieures

LAC/BAC, RG 25, vol. 4765, file/dossier 50070-40

Ottawa, July 10th, 1925.

Dr. O.D. Skelton,

Under Secretary of State for External Affairs,

Ottawa, Ontario.

Dear Dr. Skelton:-

From time to time, I have seen references in the press to "zones" set apart by Great Britain and France in the Antarctic.

Have you detailed information respecting the areas occupied by these zones and regulations that are being enforced therein, also, in general, the extent of the territorial jurisdiction claimed by Great Britain and France in these areas?

For instance, I am under the impression that the Imperial Government published a Blue Book dealing with this subject.

If you are writing the Imperial Government requesting data respecting the foregoing, I should be much obliged if you would also obtain extra copies of such printed material for me.

Yours faithfully,

James White

Technical Adviser.

389.

Letter from Under-Secretary of State for External Affairs to Technical Adviser, Department of Justice

Lettre du sous-secrétaire d'État aux Affaires extérieures au conseiller technique, ministère de la Justice

LAC/BAC, RG 13, vol. 930, file/dossier 6303B

Ottawa, 13th July, 1925.

My dear Mr. White,

I am glad to learn that you are back in Ottawa again.

I note your enquiry in your letter of July 10th as to "zones" set apart by Great Britain and France in the Antarctic.

Certain of these despatches came to my attention a fortnight ago. I made enquiry and was informed that there was no official information in the files of the Department on the subject, aside from a Report on scientific phases of the whaling industry and of the expedition of the "Discovery." Acting on the report in the London Times of June 15th, I wrote on July 4th to Mr. Pacaud, asking him to enquire into this question. I

See Vort Ann Savours, *The Voyages of the Discovery* (London, Virgin Books, 1992), pp. 178, 216.

"Development of Polar Regions: Mr. Amery on Antarctic Research," *The Times*, 18 June 1925, p. 16.

enclose a copy of my letter† to Mr. Pacaud and shall advise you of his reply†¹³⁹ as soon as it is received. I enclose copy of Mr. Amery's speech on Antarctic Research.

On Saturday afternoon I was informed by Mr. Chandler, Mr. Cory's Secretary, that Mr. David Hunter Miller of New York had asked for an interview, if possible on Monday, the 13th instant, in order to discuss the Canadian claims in the Arctic regions. As it was then too late to make any arrangements, I advised Mr. Chandler to telegraph Mr. Miller that in view of the absence of the chief officials in his Department, no interview could be arranged for Monday, but that Mr. Cory would communicate with him immediately on his return on Tuesday.

I enclose copy of Mr. Miller's letter.† Miller, by the way, as you probably know, is a prominent lawyer in New York, very intimately connected with international affairs. He was one of President Wilson's closest advisers in Paris and along with Sir Cecil Hurst of the British Foreign Office drew up the Hurst-Miller draft of the Covenant of the League of Nations, which with some amendments became the Covenant of today. As far as I am able to judge, he is a man of broad views, as well as of wide information. If a statement is to be made to the United States public, it could not be made through a better channel than through Mr. Miller and in the quarterly "Foreign Affairs". I should think that it would be worth our while to try to give Mr. Miller the interview he wishes. I was wondering, therefore, whether, if you agree, it would be possible for you when Mr. Miller comes up to have some discussion with him. Possibly you could arrange also for him to meet Colonel Starnes, as well as the appropriate officials of the Department of the Interior.¹⁴⁰

I shall have a set made up of the despatches that have been exchanged on the subject of the MacMillan expedition since you were here last and send them to you as soon as possible.

Yours sincerely,

O.D. Skelton

James White, Esquire,
Technical Adviser, Department of Justice,
Ottawa.

¹³⁹ See/ Voir Pacaud to Skelton, 17 August and/ et 1 September 1925, I AC BAC, RG 25, vol. 4765, file dossier 50070-40.

Skelton gave copies of the material provided by the Dominions Office to the members of the Northern Advisory Board./ Skelton donna des copies du matériel fourni par le Bureau des Dominions aux membres du Conseil consultatif du Nord. See/ Voir Skelton to Pacaud, 11 September 1925, file 50070-40.

¹⁴⁰ Miller met with W.W. Cory and White on 27 July. His article presented the Canadian arguments in a very favourable light./ Miller rencontre W.W. Cory et White le 27 juillet. Son article présentait les arguments canadiens sous une lumière très favorable.

See/ Voir Miller, "Political Rights in the Arctic," *Foreign Affairs*, vol. 4, no. 1 (October 1925), pp. 47-60.

390.

Letter from Head of American and African Department, Foreign Office, to Under-Secretary of State for Dominion Affairs

Lettre du chef du Département d'Amérique et d'Afrique, Foreign Office, au sous-secrétaire d'État aux Affaires des Dominions

TNA, CO 532/323

Foreign Office, S.W.1.,

20th July, 1925.

A 3455 3157/45.

Sir,

With reference to the letter¹⁴¹ from this department A 3164 3157/45 of June 23rd, I am directed by Mr. Secretary Chamberlain to transmit to you herewith copies of two despatches¹⁴² from His Majesty's Charge d'Affaires at Washington regarding the United States Macmillan Expedition to the Arctic regions and the claims of the Canadian Government to territory lying between Canada and the North Pole.

2. Mr. Chamberlain considers that should there be in the future any conflict of view between the United States and Canada as to their respective rights in land between the existing admitted territorial claims and the North Pole, the matter will turn on the facts of discovery and occupation, etc., more than on diplomatic correspondence.

3. It would be useful, therefore, in Mr. Chamberlain's opinion if the Dominion Government were, with a view to such an eventuality, to collect all available evidence and material tending to substantiate the Canadian claim, and see that it is placed on record in some form that will render it available at any time in the future.

4. I am to suggest that a communication in the above sense should be made to the Canadian Government.

I am, Sir,

Your obedient Servant,

Robert Vansittart

The Under Secretary of State [for Dominion Affairs]¹⁴³ [Sir Charles Davis],
Colonial Office.

Minutes/ Notes

[...] It seems clear from the U.S. note of 19th June that the U.S.A. are considering the question of contesting C'dian sovereignty over the regions in question & that the enquiries about the police posts aim at discovering whether effective occupation is being maintained.

HM's representative has sent the G.G. a copy of his despatch of the 25th of June enclosing a copy of the American note, so that C'da is fully informed of the situation. Moreover C'da appears to be aware of the necessity of collecting evidence to substantiate her claim[;] see Lord Byng's desp. No. 104¹⁴³ of 4th June.

¹⁴¹ Docs 379, 384.

¹⁴² The Dominions Office was established on 1 July 1925. Le Bureau des Dominions fut créé le 1^{er} juillet 1925.

¹⁴³ Doc. 371, enclosure pièce jointe B.

In the circumstances it seems hardly necessary & even a little difficult to give advice to C'da without having been asked & it might be desirable to reply to this that the S. of S. would prefer to await a communication from the Govt. of C'da but that, in the meantime, he wd. be glad to be kept fully informed of any developments which may be communicated to the F.O. through the medium of H.M.'s representative at Washington.

G. Sayers 21/7

Sir C. Davis,

At your request, I have discussed this with Commander Haselfoot of the Hydrographer[']s] Department, Admiralty. He tells me that they have no memorandum actually prepared as they had in the case of the Antarctic, but that they have a good deal of material which only wants working up. The trouble is, he informs me, to find an officer to prepare a memorandum, as the Hydrographic Department is very busy at the moment, and their staff has recently been depleted. But in any case he agreed that the Admiralty had better be brought into this officially at once, and he said that it would help him to have an official request.¹⁴⁴

H.F. Batterbee 25.[July].25

I spoke to the S. of S. about this letter. He agreed that we ought to leave Canada to conduct her case in the manner she thought best.

C.T. D[avis] 17/8/25

391.

Despatch from Chargé d'affaires, Embassy of United Kingdom in United States, to Acting Governor General

Dépêche du chargé d'affaires, ambassade du Royaume-Uni aux États-Unis, au gouverneur général par intérim

LAC/BAC, RG 7 G-21, vol. 411, file/ dossier 10045

British Embassy, Manchester, Mass.
August 4th, 1925.

No. 316.

Confidential.

Sir:

With reference to my despatch† No. 313 of the 24th ultimo, and to previous correspondence regarding the MacMillan expedition to the Arctic regions, I have the honour to inform you that the Norwegian Charge d'Affaires [Daniel Steen] called at His Majesty's Embassy in Washington on July 31st and enquired of the Resident Secretary whether any reliance could be placed upon reports which had reached him through the Norwegian Consul in Montreal and the Associated Press that the Dominion Government had addressed an official communication to the United States Government setting out their

¹⁴⁴ A letter was sent to the Admiralty on 31 August./ Une lettre fut envoyée à l'Amirauté le 31 août.

views as regards the sovereignty of territory which might be traversed or discovered by the expedition in question in the far north.¹⁴⁵

Mr. Steen was informed that the question of sovereignty over these regions had not formed the subject of discussions between the Governments of Canada and of the United States, whereupon he replied that if it were raised the Norwegian Government would be interested as the islands of Axel Heiberg and Ellesmere had originally been discovered by Norwegian explorers.

I have the honour to be, Sir,
Your most obedient,
humble servant,

H.G. Chilton

The Hon. Francis A. Anglin, K.C.,
Acting Governor-General of Canada,
Ottawa.

392.

Despatch from Secretary of State for Dominion Affairs to Governor General
Dépêche du secrétaire d'État aux Affaires des Dominions au gouverneur général
LAC/BAC, RG 7 G-21, vol. 411, file/dossier 10045

Dominions Office, Downing Street, S.W.1.
31 August, 1925.

Secret.

My Lord,

I have the honour to inform Your Excellency that the Secretary of State for Foreign Affairs has received from His Majesty's Embassy at Washington copies of correspondence with you regarding the United States MacMillan Expedition to the Arctic Regions and the claims of the Dominion Government to the territories lying north of the Canadian mainland as far as the North Pole.

2. The Secretary of State for Foreign Affairs who has read the correspondence with much interest has suggested that as, in the event of any conflict of view arising in future between the United States and Canada with regard to the regions in question it would be a matter of importance to establish the facts of discovery, occupation etc., it would be useful if all the available evidence and material of this nature could be collected and placed on record in some form that would render it readily available at any time.

3. I have asked the Hydrographic Department of the Admiralty to prepare a memorandum, for communication to your Ministers, containing any information bearing on the subject that may be in the possession of that Department, supplementary to the

¹⁴⁵ Articles in American newspapers erroneously reported that Canada had sent a note to the State Department in which the MacMillan expedition was requested to raise the British flag on any land it might discover.

Des articles dans les journaux américains rapportèrent que l'envoi que le Canada avait adressé au département d'État indiquant que l'expédition MacMillan avait charge de hisser le drapeau britannique sur toutes les terres qu'elle pourrait découvrir.

See: Voir Willert to Vansittart, 18 June 1925, and: et Vansittart to Chilton, 23 June 1925, TNA, FO 371 10650.

information contained in your Secret despatch of the 4th of June to Sir Esmé Howard and the memorandum compiled in 1904 by Dr. W.F. King in connection with the question of the status of Hudson Bay (see Lord Minto's despatch of 23rd June, 19[0]4). If your Government have already taken steps for the compilation of a memorandum on similar lines, I should be glad to be furnished with a copy for communication to the Hydrographic Department, with a view to avoiding duplication of labour.

I have the honour to be,
My Lord,
Your Lordship's most obedient,
humble servant,

L.S. Amery

Governor General, His Excellency, General, the Right Honourable,
Lord Byng of Vimy, G.C.B., G.C.M.G., M.V.O.,
etc., etc., etc.

393.

Letter from Permanent Under-Secretary of State for Dominion Affairs to Under-Secretary of State for Foreign Affairs

Lettre du sous-secrétaire d'Etat permanent aux Affaires des Dominions au sous-secrétaire d'Etat aux Affaires étrangères

TNA, FO 371/10650

Printed copy/ Copie imprimée

Downing Street, August 31, 1925.

[33143/1925]

Sir [William Tyrrell],

I am directed by Mr. Secretary Amery to acknowledge the receipt of your letters of the 20th July, 7th† and 20th† August, forwarding copies of despatches from His Majesty's Chargé d'Affaires at Washington regarding the United States Macmillan Expedition to the Arctic Regions, and the claims of the Canadian Government to the territories lying north of the Canadian mainland as far as the North Pole, and to transmit to you, for the information of Mr. Secretary Chamberlain, the enclosed copies of a despatch¹⁴⁶ which has been addressed to the Governor-General of Canada, and of a letter† to the Admiralty.

2. It is proposed to communicate to the Canadian Government full information as to the position in regard to the Antarctic regions. They have already asked for this, and it is obviously desirable that they should have it before them when considering the position in regard to the Arctic regions.

3. It will be observed that in the despatch to the Governor-General, Mr. Amery has not incorporated the observation made in paragraph 2 of your letter of the 20th July to the effect that any dispute between Canada and the United States with regard to the ownership of the lands now in question will turn on the facts of discovery and occupation, &c., more than of diplomatic correspondence. It does not seem to him to be desirable to interfere with the discretion of the Canadian Government as to the selection of the material which it should bring forward in support of its case.

4. As a matter of fact, it would appear that there is much material of a diplomatic character which the Canadian Government could use effectively to defend its claim against

¹⁴⁶ Doc. 392.

any pretensions of the United States. The whole history of the boundary between Canada and the United States is in fact inconsistent with any idea of a new boundary with the United States being set up to the north. Apart from this general consideration, the following facts appear to be relevant:-

(1) The United States negotiators of the treaty of 1783 insisted on obtaining a liberty to fish on the coast of Labrador indefinitely northwards, thereby implying that the British jurisdiction on the eastern part of the North American Continent had a similar extent.¹⁴⁷

(2) Reference is made in the Governor-General's despatch of the 4th June to the United States Russian Treaty of 1867. The views indicated were adopted by His Majesty's Government in the Behring Sea Arbitration. In the British case (Parliamentary Paper, "United States, No. 1 of 1893")¹⁴⁸ it was submitted (pp. 98-99) with regard to the western line of delimitation laid down in the 1867 treaty:-

"It is therefore very clear that the geographical limit thus projected towards the north could have been intended only to define the ownership of such islands, if any, as might subsequently be discovered in this imperfectly explored ocean, and when therefore the treaty proceeded to define the course of 'the same western limit' ('cette limite occidentale') from the initial point in Behring Strait to the southward and westward across Behring Sea, it is obvious that it continued to possess the same character and value."

In his speech before the Tribunal on the 1st June, Sir Richard Webster ("Proceedings,"¹⁵⁰ p. 1283) said in the same connection:-

"Would you let me run the pointer along that line, Mr. President? It goes over 20 degrees of latitude right up to the North Pole. They have got all the islands on the right-hand side of that line. If there are islands on the east of that line, whatever they are, the United States have got them."

The provisions in the Anglo-Russian Treaty of 1825 as to the 141st meridian were incorporated in the treaty of 1867, and must obviously be interpreted in the same manner. It may also be mentioned that in his note¹⁵¹ of the 17th December, 1890, Mr. Blaine,

¹⁴⁷ James White independently realized the importance of this treaty to Canada's case. See correspondence between White and Skelton, 8-26 March 1926, LAC, RG 25, vol. 4252, file 9057-40. James White s'est lui-même rendu compte de l'importance de ce traité pour le dossier du Canada. Voir la correspondance entre White et Skelton, 8-26 March 1926, BAC, RG 25, vol. 4252, dossier 9057-40.

¹⁴⁸ United Kingdom, Parliamentary Papers, Command Papers, C. 6918, *Behring Sea Arbitration: Cases Presented on the Part of the Government of Her Britannic Majesty* (London: Her Majesty's Stationery Office, 1893).

¹⁴⁹ Later Lord Alverstone./ Plus tard lord Alverstone.

¹⁵⁰ *Compte rendu des séances du Tribunal d'arbitrage, se tenant à Paris, 1893. Rapport des Procureurs du Tribunal d'Arbitrage, convened at Paris, 1893, 6^e partie/ part 6.*

¹⁵¹ James Blaine (Secretary of State) to Sir Julian Pauncefote, 17 December 1890, in *United Kingdom, Parliamentary Papers, Command Papers, C. 6283, Further Correspondence respecting the Behring Sea Seal Fisheries* (London: Harrison and Sons), pp. 37-56.

Laurence Collier of the Foreign Office borrowed Davis's references in a 1890 memorandum, TNA, FO 228-4369) on territorial claims in the Arctic. However, while Davis merely remarked that the British arguments from the Bering Sea arbitration were consistent with the theories put forward by Canada, Collier stated that the sector theory had sprung from the events of 1893. He thus in fact gave been correct (see Introduction), but it seems that his assertions were made on the grounds of probability, not of certain knowledge.

Collier's memo contains a typographical error, giving the date of Blaine's note as 17 December 1896, rather than 1890. See Peter Kikkert and P. Whitney Lackenbauer, eds, *Legal Appraisals of Canada's Arctic Sovereignty: Key Documents, 1905-56* (Calgary and Waterloo: Centre for Military

speaking of the provisions in the 1825 treaty regarding the 141st meridian, said (p. 45) that the British negotiators might have described their attitude as follows:

“As to the body of the continent above the point of intersection at the 141st degree of longitude, we know nothing, nor do you. It is a vast unexplored wilderness. We have no settlements there, and you have none. We have therefore no conflicting interests with your Government. The simplest division of that territory is to accept the prolongation of the 141st degree of longitude to the Arctic Ocean as the boundary. East of it the territory shall be British. West of it the territory shall be Russian.”

This passage of the note related only to the land boundary, but it would have been clearly incompatible with the whole scheme of the settlement with Russia if Russia had been free to annex islands eastward of the 141st meridian.

5. According to a Washington telegram published in the “Sunday Times” of the 23rd August, Captain Macmillan’s expedition has been ordered southward.

I am, &c.,

C.T. Davis.

394.

Report from Officer Commanding Eastern Arctic Sub-District, Royal Canadian Mounted Police, to Officer Commanding Headquarters Division
Rapport de l’officier commandant le sous-district arctique oriental, Royale gendarmerie à cheval du Canada, à l’officier commandant la Division des quartiers généraux

LAC/ BAC, RG 18, acc. 85-86/048, vol. 33, file/ dossier G-804-6

Pond Inlet Det[achment]
 September 5th. 1925

The Officer Commanding [M.H. Vernon],
 R.C.M. Police, Hdqrs. Div.,
 Ottawa, Ont.

RE: MACMILLAN — AMERICAN NAVY ARCTIC EXPEDITION. 1925

Sir,

I have the honour to report that on the arrival of the C.G.S. “Arctic” at Etah Harbour, North Greenland on the 19th. of August, the American Arctic Expedition ships “Peary”

and Strategic Studies/ Centre on Foreign Policy and Federalism, 2014), doc. 14. The error was repeated in a number of subsequent British and Canadian government memos.

Lawrence Collier du Foreign Office emprunta les références de Davis dans un mémoire de 1930 (TNA, FO 228.4369) sur les revendications territoriales dans l’Arctique. Cependant, alors que Davis avait simplement fait remarquer que les arguments britanniques dans l’arbitrage de la mer de Bering étaient conformes aux théories avancées par le Canada, Collier indiqua que la théorie des secteurs avait découlé des événements de 1893. Il peut en fait avoir eu raison (voir l’introduction), mais il semble que ses affirmations furent faites sur des fondements de probabilité et non sur des connaissances certaines.

Le mémoire de Collier contient une faute de frappe, datant la note de Blaine du 17 décembre 1896 au lieu de 1890. Voir Peter Kikkert et P. Whitney Lackenbauer, eds, *Legal Appraisals of Canada’s Arctic Sovereignty: Key Documents, 1905-56* (Calgary and Waterloo: Centre for Military and Strategic Studies – Centre on Foreign Policy and Federalism, 2014), doc. 14. L’erreur fut répétée dans un certain nombre de notes des gouvernements britanniques et canadiens.

and "Bowdoin" with three aeroplanes were found anchored there. These ships left Boston U.S.A. in the latter part of June, bringing with them the three aeroplanes with which they were to establish bases on the west coast of Ellesmere Island, or Axel Heberg; their primary intentions being the latter, and from there, to explore the Polar sea to the North and Northwest for New land. Later in the day I was in conversation with the flying staff of the expedition, chiefly Commander Byrd, who stated that the plans of the expedition had failed owing to the absence of open water, and suitable weather necessary for landing purposes. In enumerating the work they had accomplished, he stated the most successful flights they had made were to Flagler Bay and Sawyer Bay, Ellesmere Island, which they had explored their entire length, and made a small cache of provisions and fuel at the head of them. These were the only two landings made away from their ship on Canadian Territory. They made flights over several Bays to the North and South of Flagler and Sawyer Bays, but all were found full of ice, so that a landing could not be effected. Another flight was made over Ellesmere Island to the West Coast and within a short distance of Axel Heberg. This was made during cloudy weather, so that their observations were restricted, and no landing was effected. All the channels to the West of Ellesmere Island were still entirely covered with ice. Commander Byrd stated, while flying over Ellesmere Island, the planes reached an altitude of over seven thousand feet to clear the mountains, and they were able to observe other mountains on the Island still much higher than those over which they passed, which proved the heights to exceed any previous estimates made thereon. Flights were also made in Greenland to fiords sixty miles south of Etah, and North East for a short distance over the ice cap, sufficient to observe, he maintained, an unrecorded chain of mountains on Greenland further to the East. On our arrival at Etah two of their planes had been damaged, but one of them had again been put in repair. On the evening of August 19th they contemplated setting out the following day with two heavy loaded planes in an attempt to fly to the most southerly part of Ellesmere Island, and if possible over the Polar sea, in one direct flight, but this was objected to by Commander MacMillan, however on the grounds of being too risky, and being the probable cause of one of their ships wintering in the North unprepared. Commander Byrd stated they would be ready to leave for Boston within two or three days and intended to call at various settlements in Greenland and on the coast of Labrador enroute.

I have the honour to be Sir,

Your obedient servant,

C.E. Wilcox Insp.

Commanding Ellesmere Isld. Sub. Dist.

395.

Letter from Deputy Secretary of the Admiralty to Under-Secretary of State for Dominion Affairs

Lettre du sous-secrétaire de l'Amirauté au sous-secrétaire d'État aux Affaires des Dominions

TNA, CO 532/315

Admiralty, S.W.1.
2nd October 1925.

Confidential

M.02503/25.

Sir,

With reference to your letter No. 33143/1925 of the 31st August 1925, regarding the claims of the Canadian Government to territories in [the] Arctic regions, I am commanded by My Lords Commissioners of the Admiralty to transmit herewith, for the information of the Secretary of State, some notes on Dr. King's memorandum of 1904 and the Governor-General's despatch [104] of 4th June, 1925, which have been compiled in the Hydrographic Department.

These notes contain a certain amount of supplementary information and bring the memorandum, as far up-to-date as is possible with the information available in this Department, which possesses practically no unpublished material relative to Arctic exploration.

I am to add that in some respects the opinions expressed in both the memorandum and the despatch appear open to criticism, but it has not in general been thought necessary to discuss these, except as relating to the geographical facts involved.¹⁵²

I am, Sir,

Your obedient Servant,

Charles Walker

The Under Secretary of State [Sir Charles Davis],
Dominions Office.

Enclosure 1: Notes by Hydrographic Department, Admiralty
Pièce jointe 1 : Notes du Service hydrographique de l'Amirauté
Copy/ Copie

NOTES ON DR. KING'S MEMORANDUM "THE BRITISH TITLE TO THE
ISLANDS AND WATERS NORTH OF THE CANADIAN MAINLAND."
(Foreign Office confidential document 8449, June 1905)¹⁵³

The following notes correct various points of detail in the above memorandum. Speaking generally, it is considered, apart from the ex parte statements in its opening section, to present a reasonably complete and trustworthy statement of the facts relating to

¹⁵² The enclosures were forwarded to Ottawa in Amery to Byng, 20 October 1925. Les pièces jointes furent envoyées à Ottawa dans Amery to Byng, 20 October 1925. See Voir LAC BAC, RG 7 G-21, vol. 411, file/ dossier 10045.

¹⁵³ See/ Voir doc. 138 and footnote/ et note en bas de page.

geographical discovery in the Canadian Arctic Archipelago.⁸⁴ It should be noted, however, that it has largely been compiled on second hand authority – i.e. from works such as Barrow's "Voyages into the Arctic Regions," which are themselves compilations and not from the original publications.

In general, the corrections have been confined to points of geographical and historical fact.

(Introduction)

p. 2 – line 28. The suggestion that the U.S.A. may wish to claim Greenland need not now be considered, as Denmark has obtained practically general recognition of her sovereignty over the whole of Greenland.

[p. 2] – line 50. The distinction drawn between acts of taking possession performed by private explorers and by the officers of Government expeditions is theoretically correct, but not of much practical importance. Territorial claims based upon discovery only have generally proved of little force, whatever the status of the discoverer.

p. 3 – line 19. The arguments to be drawn from the evidence afforded by maps are of little value, unless the authority for any particular national colouring is quoted on the map or can be otherwise traced – failing this, there is no evidence that the attribution is not either biased or a matter of guesswork.

p. 3 – line 38. The claim that all the inland seas, etc. enclosed among the islands of the Archipelago should be regarded as territorial waters would, presumably, not now be put forward by the Canadian Government, in view of the recent decisions as to a common Empire policy for territorial waters.¹⁵⁵

(Geographical discussion, p. 5 onwards)

p. 5 – lines 3-5. It is now known that "Bell island" forms part of Southampton island.

pp. 5 & 6. General remarks re whaling stations. So far as the information in this Department extends, many of these stations are still occupied to some extent, but it is understood that whaling on the eastern side of the Archipelago has considerably diminished.

p. 6 – line 7 from bottom. The survey of the coastline of Victoria land and P. Albert land has now been practically completed, by Hansen, of Amundsen's expedition, in 1905, and Storkerson, of Stefansson's expedition, in 1917.

p. 7. In view of the large number of occasions on which "Ross" is credited with having formally taken possession of various areas, it should be noted that no distinction is made between Captain John Ross, R.N., and Commander J.C. Ross, R.N., his nephew, who accompanied him, and did most of the exploring work of the expedition. Neither was officially employed by the British Government, the expedition being a private venture.

⁸⁴ This sentence was omitted from the copy sent to Ottawa. Cette phrase fut omise de la copie envoyée à Ottawa.

¹⁵⁵ In the copy sent to Ottawa, the last part of this sentence was changed to: Dans la copie envoyée à Ottawa, la dernière partie de cette phrase fut modifiée comme suit:

will now need reconsideration in the light of the discussions at the Imperial Conference 1923 and the subsequent correspondence.

At the Imperial Conference, the need for a uniform policy on territorial waters had been raised by the United Kingdom. Lors de la conférence impériale, le Royaume-Uni a souligné la nécessité d'une politique uniforme sur les eaux territoriales.

See: Voir LAC: BAC, RG 7 G-21, vols 645, 646, file: dossier 35549, and et RG 25, vol. 1370, file: dossier 1924-178.

(Inclosure 4, p. 10 onwards)

General remarks. It has not been thought necessary to point out in detail slight misprints, such as Hartsene for Hartstene, Mechem for Mecham, etc. as these are generally correctly printed elsewhere in the memorandum. One or two of the early voyages (e.g. James' of 1631) are put down as "Public" although actually financed by private subscribers, but in those times it was not easy to draw any distinction between public (i.e. official) and private ventures.

p. 15, col. 1. "Back, English, Public" (1833-35) This was in reality a private expedition, although the Government subscribed to it. It was designed for the relief of the Rosses, who had then been missing nearly four years.

p. 16, col. 1. "Pullen[,] English, Public." This should be "Kellet & Moore, English, Public." Pullen was a lieutenant of the expedition.

p. 17, col. 1 and Narrative. "Haven" should be "De Haven."

p. 21, (Hayes' voyage). The statement that Hayes reached lat. 81° 35' N. is exceedingly doubtful. His chart was afterwards found to be very inaccurate. His probable furthest north was approximately 80° 11' N.

p. 27, col. 1 (Sverdrup's expedition). This was not an official expedition, as stated. The Norwegian Government lent Nansen's ship, the "Fram," and paid for her refit. The expenses of the expedition were subscribed for by Messrs. Axel Heiberg and Ringnes Bros.

Enclosure 2: Notes by Hydrographic Department, Admiralty

Pièce jointe 2 : Notes du Service hydrographique de l'Amirauté

Copy/ Copie

NOTES, SUPPLEMENTARY TO DR. KING'S MEMORANDUM, RE LATER EXPLORATIONS IN THE CANADIAN ARCTIC ARCHIPELAGO.

The following is a short list of expeditions which are known to have worked in the Canadian Archipelago since 1904, when Dr. King's memorandum was compiled. It should be noted, however, that in the majority of cases very little information as to the work of these expeditions is available in this Department, and that the more important expeditions (those of Bernier and Stefansson) were working for the Canadian Government, who presumably have better information concerning their work than any other body can possess.

AMUNDSEN.

In 1903-1905 R. Amundsen (Norwegian) made the N.W. Passage in the "Gjoa," traversing Lancaster Sound, Peel [Peel] Sound, Franklin Strait, and wintering on the E. side of K. William Id. thence through Dolphin and Union Straits. Hansen, of this expedition, discovered a short stretch of new coastline N. of Victoria land, which he named K. Haakon VII land. It is not specifically stated in Hansen's published account of this trip whether formal possession was taken of this discovery or not, but there is no likelihood of any Norwegian claim to it being put forward.

LOW ("Neptune").

In 1903-4 the (Canadian) D.G.S. "Neptune" made the first of a series of voyages promoted by the Canadian Government for the purpose of patrolling the waters of the Archipelago, administering justice, etc. The itinerary of the voyage was chiefly confined to the waters of Baffin's Bay and Smith Sound entrance.

HARRISON.

In 1905-07 A.H. Harrison (English) endeavoured to explore the Beaufort Sea area (the large un-explored region westward of the Archipelago), and made a voyage from the mouth of the Mackenzie River to Banks I., but discovered no new land.

BERNIER (1).

In 1906-7 D.G.S. "Arctic" under Capt. J.H. Bernier made the first of several similar voyages to that of the "Neptune," hoisting the flag at the S. end of Ellesmere Id and at numerous points in Barrow strait.

LEFFINGWELL-MIKKELSEN.

In 1907 Leffingwell and Mikkelsen made a sledge journey over the ice into the Beaufort Sea, but only reached 72° N. in 149 W. No land was seen.

(Storkerson, in 1918, reached 74° N. in the same longitude, also without sighting land)

RASMUSSEN.

In 1907 Knud Rasmussen, a Dane, crossed from Greenland to Ellesmere I.¹⁵⁷ No details are available in this Dept. of this expedition, which was one of a series made by the same explorer, directed chiefly towards the exploration of N. and W. Greenland.

BERNIER (2).

In 1908-09 Capt. Bernier, in the D.G.S. "Arctic" made a second voyage, reaching further W. than that of 1906-07, and hoisting the flag on Banks I., Melville I. and P. Albert Id, as well as in Barrow Strait and at the S. end of Ellesmere I.¹⁵⁸

BERNIER (3).

In 1910 Capt. Bernier made a third patrol and exploring voyage in the "Arctic", making extensive discoveries in Prince Regent, Admiralty and Pond Inlets.

It is understood that this officer has since been employed in further patrol work in the Archipelago, but no information is available as to the exact regions visited.

STEFANSSON.

In 1913-18, V. Stefansson, acting under the Canadian Government, made extensive explorations in the Archipelago, discovering Brock, Borden, Meighan and other Islands.

¹⁵⁷ See Von "Expeditions in Arctic America," *Geographical Journal*, vol. 32, no. 5 (November 1908), p. 535. Rasmussen had initially hoped to reach Baffin Island on this journey, for purposes of ethnographical study. It was a preliminary step in the plan that he eventually carried out during the Fifth Thule Expedition. Rasmussen avait initialement espéré atteindre l'île de Baffin au cours de ce voyage, afin d'y mener une étude ethnographique. Il s'agissait d'une étape préliminaire du projet qu'il réalisa finalement au cours de la cinquième expédition de Thulé.

¹⁵⁷ Bernier did not visit Ellesmere Island during this voyage. Bernier ne se rendit pas à l'île d'Ellesmere pendant ce voyage.

¹⁵⁸ This was presumably a reference to the Eastern Arctic Patrols, about which no official communications had been sent from Ottawa to London. On reading these notes, W.W. Cory observed that they contained inadequate information, and proposed to Skelton that there should be fuller communication with the British authorities. Skelton agreed, but such communication did not in fact occur.

On fait vraisemblablement référence ici aux patrouilles de l'Arctique oriental, au sujet desquelles aucune communication officielle n'avait été envoyée d'Ottawa à Londres. En lisant ces notes, W.W. Cory remarqua que les renseignements qu'ils contenaient étaient insuffisants et proposa à Skelton qu'il devrait y avoir une communication plus complète avec les autorités britanniques. Skelton fut d'accord, mais une telle communication ne se fit pas.

See Von Cory to Skelton, 5 November 1925, LAC BAC, RG 25, vol. 2608, file dossier 9058-B-4, and, et Skelton to Cory, 21 November 1925, LAC BAC, RG 25, vol. 4252, file dossier 9057-40.

and correcting a good deal of Sverdrup's charting of his discoveries, especially in the region of the Ringnes Is. and K. Christian I.

MACMILLAN.

In 1913-17 D.P. MacMillan, with the American "Crocker Land" expedition, made considerable explorations in Ellesmere I. and its vicinity. In 1914, starting from Etah, in N.W. Greenland, he crossed Ellesmere I. to C. Thos. Hubbard in Axel Heiberg I., and thence to the reported position of Peary's "Crocker Land" in the Beaufort Sea (approx. 83° N. 103° W) which was not found.

In 1916 Ekblaw of this expedition crossed Ellesmere I., while MacMillan visited A. Ringnes and Christian Is. In 1917 a detailed survey was made of part of the E. coast of Ellesmere I.

RASMUSSEN (2).

In 1922-24 Rasmussen conducted his "5th Thule Expedition" (the fifth to start from his base at Thule, N.W. Greenland). Its route is understood to have embraced a considerable portion of the E. end of the Archipelago,¹⁵⁰ but details of this have not yet been received in this Department, with the exception of a preliminary chart of the region between Admiralty Inlet and the W. coast of Baffin Land.

Enclosure 3: Notes by Hydrographic Department, Admiralty **Pièce jointe 3 : Notes du Service hydrographique de l'Amirauté** **Copy/ Copie**

NOTES ON THE GOVERNOR-GENERAL'S DESPATCH OF JUNE 4TH, 1925.

(Introductory portion, p. 3.)

It is thought probable that MacMillan's selection of Axel Heiberg I. as a base for his aeroplanes is due simply to his knowledge of the vicinity, gained during the Crocker Land Expedition of 1913-17, which he commanded. This employed practically the same plan – a base at Etah, Greenland, and an advanced base at C. Thomas Hubbard, Axel Heiberg I. crossing Ellesmere I. en route. Both for the purposes of the Crocker Land expedition and his present one, Axel Heiberg I. is well situated as a convenient jumping-off place into the unexplored region of the Beaufort Sea. It is suggested that these considerations fully account for the MacMillan expedition crossing Axel Heiberg and Ellesmere islands, without it being necessary to conclude that these were specially selected because Canada's title to them was considered weaker than that to the remainder of the Archipelago.

It may be pointed out that it is at least doubtful whether any land larger than a small island exists in the Beaufort Sea – that land of continental character exists there is very improbable. In any case, it would be just as likely to lie to the W. of meridian 141° W – and, hence, to be *prima facie* American – as to the E. while the ice conditions of that region render the existence of land in it a point of no commercial importance.

(Discovery, p. 5.)

So far as the title conferred by discovery goes, it is probably true that the great majority of the islands forming the Archipelago should be British, and hence Canadian. But it may be pointed out that while, for example, Baffin undoubtedly sighted part of the S.E. coast of Ellesmere I. in 1616, it does not convey a quite correct impression to state that he discovered Ellesmere I. in that year. Its configuration and extent – even the fact that it was

¹⁵⁰ The route of the Fifth Thule Expedition extended from the eastern archipelago to Alaska – L'itinéraire de la cinquième expédition de Thulé s'étendit de la partie orientale de l'archipel à l'Alaska.

an island – were not fully known until over two and a half centuries later. As regards the actual extent of its coastline explored by other navigators, both America and Norway have claims comparable to that of this country.

In any case, claims based upon discovery only are of little force compared with those based upon occupation or control. It is thought that the establishment by Canada of posts upon Ellesmere Id. and others of the Archipelago constitutes a much more effective claim to their ownership, and there contiguity may reasonably be pleaded to that of the remainder, than any number of arguments based upon prior discovery only.

396.

Despatch from Deputy Governor General to Secretary of State for Dominion Affairs
Dépêche du député du gouverneur général au secrétaire d'Etat aux Affaires des
Dominions
TNA, CO 532/319

Ottawa, 9 October, 1925.

Secret.

Sir,

With reference to your Secret Despatch of the 31st August, on the subject of the United States McMillan Expedition to the Arctic regions and the claims of the Canadian Government to Arctic territories, I have the honour to convey the thanks of the Canadian Government to you for arranging to have a memorandum prepared by the Hydrographic Department of the Admiralty containing any information on the subject in the possession of that Department.

Steps have been taken for the compilation of a more comprehensive memorandum and it is expected that it will be completed shortly after the return to Canada this month of the officials in charge, when copies will be duly forwarded.¹⁶⁰

It is thought that it may be of interest to you to note a sympathetic discussion on this subject in the October issue of a United States periodical[,] "Foreign Affairs", written by Mr. David Hunter Miller of New York after an interview with Mr. James White of the

¹⁶⁰ W. W. Cory had reported that his department would prepare a detailed statement in response to Amery's despatch of 31 August. Skelton then asked White for any observations he might wish to add to those in his earlier memos. No statement was formally transmitted to London; however, such a document may have been used for reference by the Canadian representatives at the 1926 Imperial Conference. A 1928 note by Laurent Beaudry refers to a despatch prepared by Skelton, which he had not yet signed, but this despatch was not found.

W. W. Cory avait rapporté que son ministère préparait une déclaration détaillée en réponse à la dépêche d'Amery du 31 août. Skelton demanda alors à White toute observation qu'il pourrait vouloir ajouter à celles de ses mémoires antérieurs. Aucune déclaration ne fut officiellement transmise à Londres, cependant, un tel document peut avoir été utilisé comme référence par les représentants canadiens à la conférence impériale de 1926. Une note de 1928 par Laurent Beaudry fait référence à une dépêche préparée par Skelton qu'il n'avait pas encore signée, mais cette dépêche ne fut pas retrouvée.

See: Voir Cory to Skelton, 16 September 1925, Skelton to White, 6 October 1925, and cf. Beaudry, 20 September 1928, LAC, BAC, RG 25, vol. 2668, file dossier 9058 B-40, and cf. doc. 420. *Footnote*: note en bas de page.

Canadian Department of Justice.¹⁶¹ Accordingly, two copies of this review are sent herewith.¹⁶²

I have the honour to be, Sir,
Your most obedient,
humble servant,
Frank A. Anglin
Deputy Governor General.

Lieutenant Colonel The Right Honourable L.C.M.S. Amery,
Secretary of State for Dominion Affairs.

397.

Minutes of meeting of Northern Advisory Board
Procès-verbal de réunion du Conseil consultatif du Nord
LAC/ BAC, RG 25, vol. 2669, file/ dossier 9062-C-40
Copy/ Copie

[Ottawa]

Minutes of the sixth meeting of the Northern Advisory Board held on Monday, the 19th October, 1925, in the office of the Deputy Minister of the Interior.

Those present were:—

Dr. O.D. Skelton, (in the chair),
Dr. Chas. Camsell,
Mr. G.J. Desbarats,
Col. C. Starnes,
Mr. G.P. Mackenzie,
Mr. Jas. White,
Mr. R.A. Gibson,
Dr. R.M. Anderson,
Mr. K.R. Daly,
Mr. J.D. Craig,
Mr. O.S. Finnie,
Major D.L. McKeand.

The minutes† of the previous regular and emergent meeting, held on the 2nd September, 1925, having been sent to the different members of the Committee, were adopted.

This meeting was called for the purpose of receiving the report of Mr. George P. Mackenzie, the officer in charge of the expedition of the C.G.S. "Arctic" to the Arctic regions this year. In his report he told the Committee of the proposed extent of this year's expedition and how it had to be curtailed on account of weather conditions. Some of the outstanding points in his report were:—

¹⁶¹ David Hunter Miller, "Political Rights in the Arctic," *Foreign Affairs*, vol. 4, no. 1 (October 1925), pp. 47-60.

¹⁶² On 6 November this despatch and the enclosed article were forwarded to the Foreign Office, where R.I. Campbell commented favourably on the article. Le 6 novembre, cette dépêche et l'article joint furent envoyés au Foreign Office où R.I. Campbell émit un commentaire favorable à propos de l'article. TNA, FO 371/10650.

That during the two days the "Arctic" was anchored alongside the ships of the MacMillan expedition at Etah, Greenland, it was ascertained that members of the MacMillan expedition had landed supplies for aeroplanes at Flagler and Sawyer Bays on the east coast of Ellesmere;

That Commander Mackenzie sent his Secretary, Mr. Harwood F. Steele, to apprise Commander Byrd, the officer of the United States Naval Air Service in charge of the flying division of the MacMillan expedition, that he, Mackenzie, would be prepared to take the responsibility of issuing permits to the MacMillan expedition to fly over Ellesmere Island and other Canadian territory and establish on such Canadian territory the necessary bases incidental to such flying operations. Commander Byrd reported personally in uniform to Commander Mackenzie and informed him that he had taken the matter up with Commander MacMillan and had been informed by Commander MacMillan that permits to fly over Canadian territory had already been obtained from the Canadian Authorities. Commander Mackenzie intimated to Commander Byrd that so far as he knew such permission had not been granted, but of course he could not say definitely as the "Arctic's" radio apparatus had not been functioning properly and he might have missed some of the messages from headquarters. First Officer Morin was on the deck at the time and Commander Mackenzie repeated in his presence his understanding of the foregoing, namely, that Commander MacMillan stated that he had already obtained from the Canadian Government the necessary authority to fly over Canadian territory and establish bases thereon. Commander Byrd acknowledged the accuracy of his understanding.

That a portion of the MacMillan expedition air squadron flew over Ellesmere Island and saw Axel-Heiberg Island but did not make a landing;

That aeroplane photographs were taken during these flights;

That the Royal Canadian Mounted Police intend including Axel-Heiberg in a patrol during the coming winter.

Mr. Mackenzie also expressed appreciation of the kind treatment he received at the hands of the representative of the Danish Government at Godhavn.

After a general discussion it was thought advisable to appoint a Sub-Committee to prepare a memorandum, setting out certain violations or infractions of our laws and regulations committed by MacMillan or members of his expedition, the memorandum to form the basis of a despatch, through the regular diplomatic channels, to the United States Government. The Committee appointed consisted of Mr. Jas. White, Chairman, Messrs. Desbarats, Harkin and Finnie, and was authorized to call on Mr. Mackenzie for any help he might be able to give.

Some doubt was expressed as to the advisability of including in the general despatch regarding sovereignty in the North any reference to the contravention of the Migratory Birds Treaty on the part of certain members of the MacMillan expedition, it being thought by some that this might better form the basis of a separate despatch.

The Committee then adjourned to meet at the call of the Chairman for the purpose of considering the report and recommendation of the Sub-Committee.

[...]

398.

Memorandum by Officer in Charge of Eastern Arctic Patrol
Note de l'officier responsable de la patrouille de l'Arctique oriental
LAC/ BAC, RG 25, vol. 2669, file/ dossier 9062-C-40
Copy/ Copie

Ottawa, 21st October, 1925.

Memorandum:

The C.G.S. "Arctic" having been delayed by the ice in Cumberland gulf did not reach Godhavn, Greenland, until August 10. While at Godhavn, I decided to change the ship's itinerary which contemplated Pond's Inlet as the next port of call and proceed at once to Etah, North Greenland, where the MacMillan Arctic Expedition had established their base. On arrival at that port on August 19, the "Bowdoin" and "Peary" of the MacMillan Expedition were found at anchor in the harbour. Commander MacDonald of the "Peary" came aboard the "Arctic" as soon as we dropped anchor and informed me that the United States Government had requested their Expedition to make every effort to get in touch with the "Arctic" as fears were entertained for our safety. I explained to him that we were quite all right but through the failure of our radio had not been able to report.

During the two days we were at Etah, courtesies were exchanged between the members of the two Expeditions. Commander R.E. Byrd of the United States Navy, who was in command of the three naval planes of the Expedition, told me that he had made a number of flights over Ellesmere Island and had landed supplies of oil, gas and provisions at Flagler and Sawyer bays on the east coast of Ellesmere and that because of the ice conditions he had not effected a landing on the west coast of the island or on Axel Heiberg, as originally intended. He had, however, seen Axel Heiberg from the air. Others were present when Commander Byrd made this statement to me so that the time did not seem opportune to go into the question of his right to carry on these flying operations without the permission of the Canadian Government.

I was reasonably sure that no permit had been secured as application had not been made when the "Arctic" left Quebec and the MacMillan Expedition got under way about the same time. The situation was a rather delicate one as both Expeditions were at the time in foreign waters and the only evidence I had of Commander Byrd's flying operations over Ellesmere was his own frank statement to me. I was very favourably impressed with Commander Byrd and after giving the matter some thought decided to send my Secretary, Mr. H.E. Steele, to Byrd to intimate to him that if he had not a permit I was prepared to issue, on behalf of the Canadian Government, a permit to fly over Canadian territory in the North and to establish thereon bases incidental to such flying operations. Commander Byrd thanked Mr. Steele and asked him to inform me that he would report on board the "Arctic" in a short time. Within the hour he did so in full uniform. I happened to be on deck at the time and greeted him personally when he came on the ship. He at once thanked me for my kindness and told me he had just taken the matter up with Commander MacMillan, who advised him that the Expedition already had the permission from the Canadian Government to carry on flying operations over Ellesmere, that the permission had been granted after the "Arctic's" departure from Quebec and the fact that such permission was granted had been given publicity in the press. I told Commander Byrd that so far as I knew such was not the case and I believed if such permission had been granted my Government would have advised me, but there was a possibility they would not think the matter of sufficient importance, or I had not received a message that might have been sent as our radio had not been functioning properly. First Officer Morin was pacing the deck near at hand. I called

him over and repeated to him the statement Commander Byrd had just made and then asked Commander Byrd if my understanding of the statement was correct. He replied, "Yes, that is correct." I told Morm at the time and in Commander Byrd's presence that I wanted him to carefully note the statement as I considered it of importance. Commander Byrd asked me if a Canadian had ever been on Axel Heiberg. I replied that I did not think so.

In the course of a subsequent conversation Commander Byrd told me that he had met Deputy Minister Cory in Washington and that the question of a permit to carry on flying operations in the Canadian Arctic was discussed, that at one time he expected to go to Ottawa to make arrangements but the matter was taken out of his hands and his chief told him he had better leave the diplomatic end to others.

He told me also that in flying over Ellesmere he had observed the buildings of the Kane Basin Detachment. We sailed from Etah at midnight of August 20 and the next day while unloading stores at the Kane Basin Detachment, which is on Rice Strait in latitude 78° 46' north, two planes circled over and no doubt observed the ship and that we were landing stores.

Inspector Wilcox was in my confidence in all these matters and because a point was seemingly being made of the fact that no Canadian had been on Axel Heiberg, it seemed to me desirable that a patrol should be made to that island. Inspector Wilcox was in thorough accord with this view and when the matter was taken up with Sergeant Joy, in charge of the Craig Harbour Detachment, we found him very keen to make the patrol. Inspector Wilcox and Sergeant Joy told me that I might assure the Government that that patrol would be made during the coming winter.¹⁶³

[G.P. Mackenzie]

Officer in Charge of the Arctic Expedition.

399.

Minutes of meeting of Northern Advisory Board
Procès-verbal de réunion du Conseil consultatif du Nord
LAC/BAC, RG 25, vol. 2669, file/dossier 9062-C-40
Copy/Copie

[Ottawa]

Minutes of the seventh meeting of the Northern Advisory Board held on Friday, the 20th November, 1925, in the office of the Deputy Minister of the Interior

Those present were:—

Mr. W.W. Cory, (in the chair),
 Dr. O.D. Skelton,
 Mr. W.M. Cory,
 Mr. J.B. Harkin,
 Mr. G.P. Mackenzie,
 Mr. Jas. White,
 Mr. G.J. Desbarats,
 Mr. R.A. Gibson,

¹⁶³ The patrol was made: see "Patrol to Axel Heiberg Island," *Report of the Royal Canadian Mounted Police for the Year ended September 30, 1926* (Ottawa, F.A. Acland, 1927), pp. 58-60. Le patrouille eut lieu: voir « Patrouille à l'île Axel-Heiberg », *Rapport de la Royale Gendarmerie à cheval du Canada pour l'année close le 30 septembre 1926*, Ottawa, F.A. Acland, 1927, p. 63-71.

Mr. E.S. Busby,
 Mr. J.D. Craig,
 Dr. D.C. Scott,
 Colonel C. Starnes,
 Mr. O.S. Finnie,
 Major D.L. McKeand.

After adding the name of Mr. J.B. Harkin to the list of those present at the last meeting, the minutes of the sixth meeting were adopted.

A draft despatch¹⁶⁴ to the British Embassy at Washington, prepared by a Sub-Committee appointed at the last meeting, was handed to those present. A suggestion was made that line 4 in paragraph 2 be deleted, viz., "which was under the auspices of the National Geographic Society and", which was agreed to. A further suggestion was made that the despatch be augmented by adding after the word "Archipelago" in the 4th line of page 3 "as provided by the Air Board Act". With these two changes the Committee approved of turning the draft together with the sworn statements of Messrs. G.P. Mackenzie, L.D. Morin and Harwood Steele over to the External Affairs Department for transmission through the regular channels.

[...]

The question of providing aeroplanes for future Arctic expeditions formed the basis of a short discussion. As it was not known what boat would be taken North next year it was not considered feasible to arrange for any flying operations in connection with next year's expedition. Mr. Desbarats, however, was requested to secure information as to the probable cost of providing suitable planes for this work. Mr. Gibson intimated that Mr. Brabant of the Hudson's Bay Company told him that they were building a large boat for Northern work and that they could carry supplies for the Department. It was suggested that information be obtained from the Hudson's Bay Company as to whether this boat could carry aeroplanes.

The question of loaning Canadian Government Arctic films for lecturing purposes in the United States was considered and it was decided that insofar as any departmental officials were concerned, they might be granted the privilege of using the official record films at present held by the Department for this purpose. The Committee felt that any applications for films relating to the Arctic from outside sources should be referred to the Department of Trade and Commerce, which is in charge of the library copies.

The propriety of publishing reports of the annual cruises to the Arctic was dealt with and it was felt by the Committee that there was no apparent reason why this information should not be edited and printed as its publication and distribution would serve a useful purpose in strengthening Canada's claim to sovereignty in the Northern Archipelago.

Consideration was given to a recent article which appeared in the November 1925 issue of the *National Geographic Magazine* over the signatures of Messrs. MacMillan and Byrd,¹⁶⁵ and which made no mention of the activities of the Canadian Government officials in the North or Canada's sovereignty thereto. During the discussion Mr. Jas. White intimated that he expected to become a member of the National Geographic Society within the week and would, if the Committee deemed advisable, have an informal chat with Mr. Grosvenor, Editor and Vice-President of the *National Geographic Magazine*, on the subject. He intimated that he would also ascertain whether they would be prepared to

¹⁶⁴ See/ Voir doc. 401, enclosure/ pièce jointe.

¹⁶⁵ MacMillan, "The MacMillan Arctic Expedition Returns," and et Byrd, "Flying Over the Arctic," *National Geographic*, vol. 48, no. 5 (November 1925), pp. 477-518, 519-532.

publish an article dealing with the annual cruises of the C.G.S. "Arctic". The Committee approved of Mr. White's suggestion.

The meeting then adjourned.

400.

Letter from Technical Adviser, Department of Justice, to Under-Secretary of State for External Affairs

Lettre du conseiller technique, ministère de la Justice, au sous-secrétaire d'État aux Affaires extérieures

LAC/BAC, RG 25, vol. 2668, file/ dossier 9058-B-40

Ottawa, Nov. 23rd, 1925.

Dr. O.D. Skelton,

Under-Secretary of State for External Affairs,

Ottawa, Ontario.

Dear Dr. Skelton:-

I am sending, herewith, the three affidavits made by Messrs. MacKenzie, Steele and Morin, also duplicates of the MacKenzie and Morin affidavits.

[...]

Yours faithfully,

James White

Technical Adviser.

Enclosure 1: Affidavit of Officer in Charge of Eastern Arctic Patrol

Pièce jointe 1 : Affidavit of l'officier responsable de la patrouille de l'Arctique oriental

In the Matter of the Canadian Arctic Expedition of 1925.

I, GEORGE PATTON MACKENZIE of the City of Ottawa in the Province of Ontario, DO SOLEMNLY DECLARE:-

1. That I am 52 years old and, during the summer of 1925, I was in command of the Canadian Government steamship "Arctic".

2. On 19 August, 1925, we were at anchor at Etah, North Greenland, with the "Peary" and "Bowdoin" of the MacMillan Arctic Expedition.

3. Commander R.E. Byrd, U.S.N., commanding the United States Naval Aeroplane Unit with the MacMillan Expedition, informed me that he had made a number of flights over Ellesmere island and had landed stores for flying purposes at Flagler and Sawyer bays on the east coast of Ellesmere Island. He also stated that, owing to ice conditions, he had found it unfeasible to land on the west coast of Ellesmere Island or on Axel Heiberg Island.

4. As no application had been made before the "Arctic" left Quebec, I was reasonably certain that no permit to fly over Ellesmere and other islands in the Canadian Arctic Archipelago had been granted to the MacMillan Expedition.

5. I sent my Secretary, Mr. H.F.R. Steele, to Commander Byrd to inform him that, if he had not obtained such permit, I was prepared, on behalf of the Government of Canada, to issue a permit to conduct flying operations over said islands.

6. Mr. Steele, on his return, reported to me that Commander Byrd had thanked him and had requested him to inform me that, in a short time, he would proceed on board the "Arctic".

7. Within an hour, Commander Byrd, in full uniform, came on board the "Arctic", and was received by me. He thanked me for my offer of a permit, made through my Secretary, Mr. Steele; he stated that he had just taken the matter up with Commander MacMillan; that Commander MacMillan had stated to him that the Government of Canada had given the MacMillan Expedition permission to fly over Ellesmere and other islands in the Canadian Arctic Archipelago; that such permission had been granted subsequent to the departure of the MacMillan expedition for the north and that the granting of such permit had received publicity in the press.

8. I stated to Commander Byrd that, so far as I knew, no such permission had been granted but that there was a possibility that either the Government of Canada had omitted to inform me or that, as our radio had not been working satisfactorily, the message might have failed to come through.

9. First Officer L.D. Morin was on deck during the interview. I called him over and, after repeating the substance of the conversation set forth in (7), asked Commander Byrd whether my summarization of the conversation was correct. Commander Byrd replied: "Yes. That is correct".

10. Then, in Commander Byrd's presence, I told First Officer Morin that I wished him to carefully note these statements as I considered them of importance.

G.P. Mackenzie

Sworn before me at the City of Ottawa,
in the County of Carleton, this 6th day
of November, A.D. 1925.

K.R. Daly

A Notary Public in and for the Province of Ontario.

Enclosure 2: Affidavit of Secretary to Officer in Charge of Eastern Arctic Patrol
Pièce jointe 2 : Affidavit du secrétaire de l'officier responsable de la patrouille de
l'Arctique oriental

In the Matter of the Canadian Arctic Expedition of 1925.

I, HARWOOD ELMES ROBERT STEELE of the City of Montreal of the Province of Quebec, DO SOLEMNLY DECLARE:-

1. That I am 28 years old and that I was Secretary to George Patton Mackenzie, Commander of the Canadian Arctic Expedition, during the voyage of the C.G.S. Arctic, 1 July to 10 October, 1925.

2. That on 20 August, 1925, the Canadian Government steamship "Arctic" and the "Peary" and "Bowdoin", of the MacMillan Arctic Expedition, were anchored at Etah, North Greenland.

3. That on 20 August, acting under instructions from Commander Mackenzie, I boarded the steamship "Peary" to ask Commander R.E. Byrd, Commanding the United States Naval Aeroplane Unit with the MacMillan expedition, whether that expedition was in possession of a permit from the Government of Canada authorizing them to fly over Ellesmere and other islands in the Canadian Arctic Archipelago and, if not, to inform him that, on application, Commander Mackenzie was prepared to issue such permit.

4. On my asking Commander Byrd whether the expedition had such permit, he replied that he did not think they had. I then told him that, on application, Commander Mackenzie would be glad to issue such permit. Commander Byrd stated that he would see Commander MacMillan and if, on inquiry, he (Commander Byrd) found that no such permit had been issued, he would come on board the Arctic and formally apply for it.

5. Shortly afterwards, Commander Byrd boarded the Arctic. Though I was not present during his interview with Commander Mackenzie, the latter stated to me immediately after it that Commander Byrd had informed him that Commander MacMillan had stated that, after leaving for the North, he (Commander MacMillan) had obtained permission from the Government of Canada to fly over Ellesmere and other islands in the Canadian Arctic Archipelago. Commander Mackenzie told me that he considered this statement to be an important one.

Harwood Steele

Sworn before me at the City of Ottawa,
in the County of Carleton, this 3rd day
of November, A.D. 1925.

K.R. Daly

A Notary Public in and for the Province of Ontario.

Enclosure 3: Affidavit of First Officer, CGS Arctic
Pièce jointe 3 : Affidavit du capitaine en second, CGS Arctic

In the Matter of the Canadian Arctic Expedition of 1925.

I, LAZARÉ DESIRÉ MORIN, of the town of L'Islet, of the Province of Quebec, DO
SOLEMNLY DECLARE:—

1. That I am 43 years old and am First Officer of the Canadian Government steamship "Arctic".

2. That when the C.G.S. "Arctic" was anchored at Etah, North Greenland, on 20 August, 1925, Commander R.F. Byrd, of the MacMillan Arctic Expedition, came on board the ship at 2.20 P.M. and was greeted by George Patton Mackenzie, Commander of the Canadian Arctic Expedition.

3. I was on duty on deck during the interview. I heard the conversation which took place between Commander Mackenzie and Commander Byrd. On the conclusion of the conversation, Commander Mackenzie requested me to act as witness respecting his summarisation of the same and asked me to note it carefully as he considered it of importance and would have to report it to the Government of Canada.

4. Commander Mackenzie stated that he had understood Commander R.F. Byrd to state that when Commander Byrd had taken up with Commander MacMillan the question of applying to Commander Mackenzie for a permit to fly over Ellesmere and other islands in the Canadian Arctic Archipelago, Commander MacMillan had stated that such permission had already been granted by the Government of Canada; that the permit had been granted after the MacMillan Expedition had left for the north and that the granting of this permit had received publicity in the press.

5. After Commander Mackenzie had made his summarisation, he asked Commander Byrd if his understanding of the conversation was correct. To this question Commander Byrd replied "Yes. That is correct".

L.D. Morin

Sworn before me at the City of Ottawa,
in the County of Carleton, this third day
of November, A.D. 1925.

K.R. Daly

A Commr. etc. and Notary Public

401.

Letter from Under-Secretary of State for External Affairs to Governor General's Secretary

Lettre du sous-secrétaire d'État aux Affaires extérieures au secrétaire du gouverneur général

LAC/BAC, RG 7 G-21, vol. 411, file/ dossier 10045

Ottawa, 7th December, 1925.

Sir,

With reference to previous correspondence on the subject of the MacMillan Expedition, 1925, I am to request that His Excellency may be humbly moved to address to His Majesty's Ambassador at Washington a despatch in the terms of the enclosed draft.¹⁶⁶

I have the honour to be, Sir,

Your obedient servant,

O.D. Skelton,

Under-Secretary of State
for External Affairs.

The Governor General's Secretary [A.F. Sladen],

Ottawa.

¹⁶⁶ The despatch was sent on 9 December. When questioned about the matter, Byrd stated that the account given by the Canadians was accurate. However, MacMillan denied he had ever told Byrd that he had a permit, and speculated that Byrd had lied as the best way to get out of a difficult situation. He added that after leaving the United States, the expedition had received newspaper clippings, one of which stated that a permit had been granted. (MacMillan also took the opportunity to argue strongly against US recognition of Canadian claims.) The State Department decided to consider the Etah episode as a misunderstanding based on an erroneous newspaper report. This view was not, however, conveyed to Canada.

La dépêche fut envoyée le 9 décembre. Lorsque questionné sur le sujet, Byrd déclara que le compte rendu donné par les Canadiens était exact. Cependant MacMillan nia avoir jamais dit à Byrd qu'il avait un permis et émit l'hypothèse que Byrd avait menti, car c'était le meilleur moyen qu'il avait trouvé de se tirer d'une situation délicate. Il ajouta qu'après avoir quitté les États-Unis, l'expédition avait reçu des coupures de presse, dont une indiquant qu'un permis avait été accordé. (MacMillan en profita aussi pour avancer énergiquement des arguments contre la reconnaissance des revendications canadiennes par les États-Unis.) Le département d'État américain décida de considérer l'épisode Etah comme une méprise fondée sur un article erroné. Cette opinion ne fut cependant pas transmise au Canada.

See *Voir D.C.E.R. DRREC*, vol. 3, doc. 548; Chilton to Kellogg, 21 December 1925, Gilbert Grosvenor to Kellogg [January 1926], and memo by/ et note d'Irving N. Linnell, 27 February 1926, NACP, RG 59, Decimal Files 1910-1929, box 295, file 031.11 M221; doc. 403.

Enclosure: Draft despatch
Pièce jointe : Projet de dépêche

DRAFT DESPATCH FROM HIS EXCELLENCY THE GOVERNOR GENERAL
 TO HIS MAJESTY'S AMBASSADOR AT WASHINGTON.

With further reference to Your Excellency's despatches No. 283 of the 16th of June and No. 299 of the 3rd July, 1925, on the subject of the MacMillan Arctic Expedition 1925, I would request Your Excellency to bring to the attention of the Secretary of State of the United States the following facts which have been reported by the Officer in Command of the Canadian Government Ship Arctic.

That vessel on her annual patrol to the Canadian Arctic Archipelago, was at Etah, North Greenland, on the 19th and 20th of August last. The MacMillan Arctic Expedition, to which was attached a United States Naval Aeroplane Unit under Commander R. F. Byrd, United States Navy, had preceded the Canadian Expedition to that port. The steamship Peary and the auxiliary schooner Bowdoin carrying the MacMillan Expedition were found at anchor in that port on the arrival of the Arctic.

Mr. G. P. Mackenzie, in command of the Canadian Expedition, was informed by Commander Byrd that the flying unit under his command had made a number of flights over Ellesmere island and had landed stores for flying purposes at Flagler and Sawyer bays on the east coast of Ellesmere but that, owing to ice conditions, it had been found unfeasible to effect a landing on the west coast of Ellesmere or on Axel Heiberg island. Mr. Mackenzie, knowing that, up to the date of his departure from Quebec for the North, no permit to fly over the Canadian Arctic Archipelago had been granted the MacMillan Expedition or any person attached thereto, sent his Secretary, Mr. H. E. R. Steele, to Commander Byrd to inform him that if he had not obtained such permit he (Mr. Mackenzie) would on behalf of the Canadian Government, issue one to him. Commander Byrd informed Mr. Steele that he did not think that they had a permit, that he would ascertain definitely from Commander MacMillan and, if he found that no permit had been secured, he would come aboard the Arctic in a short time and formally apply for one.

Within the hour he came on board the Arctic in full uniform and was received by Mr. Mackenzie. He thanked Mr. Mackenzie for the offer of a permit made through his Secretary, Mr. Steele, and stated that he had just taken the matter up with Commander MacMillan, that Commander MacMillan had stated that he was already in possession of a permit from the Canadian Government to carry on flying operations over Ellesmere and other islands in the Canadian Arctic Archipelago, that such permission had been granted subsequent to the departure of the MacMillan Expedition to the North and that the granting of the permit had received publicity in the press.

Mr. Mackenzie told Commander Byrd that so far as he knew no such permission had been granted but that there was a possibility that his Government had omitted to inform him or that, as the radio on the ship had not been working satisfactorily, the message might have failed to come through. First Officer of the Arctic, I. D. Morin, who was also on deck, heard this conversation. However, Mr. Mackenzie called him over and, after repeating the substance of Commander Byrd's statement to Officer Morin in Commander Byrd's presence, asked Commander Byrd whether his summarization of the conversation was correct. Commander Byrd replied, "Yes. That is correct." In the presence of Commander Byrd, Mr. Mackenzie then told Officer Morin that he regarded the statement as of importance and requested him to make note of the same.

The Government of Canada has never received an application by the MacMillan Expedition or any person attached thereto for permission to carry on flying operations over

the Canadian Arctic Archipelago, as provided by the Air Board Act,¹⁶⁷ and no such permit has ever [been] issued, nor has any application been received or permit or license been issued to enter said archipelago for scientific purposes as provided by the Northwest Territories Act.

Neither the steamship Peary nor the auxiliary schooner Bowdoin when reporting outwards from the port of Sydney, Nova Scotia, on the 26th of June, 1925, indicated any intention of landing goods on Canadian territory, nor on their inward report at the same port on the 3rd day of October, 1925, did they report having landed any goods in Canadian territory, as provided by the Customs regulations.

I would request Your Excellency to have the goodness to draw the attention of the United States Secretary of State to the apparent failure on the part of the Expedition to observe the requirements of the Canadian laws.

I enclose, for convenience of reference, copies of the laws in question, together with copies of three affidavits¹⁶⁸ taken by Messrs. Mackenzie, Morin and Steele.

402.

Memorandum from Director, Northwest Territories and Yukon Branch, Department of the Interior, to Technical Adviser, Department of Justice

Note du directeur, Secteur des Territoires du Nord-Ouest et du Yukon, ministère de l'Intérieur, au conseiller technique, ministère de la Justice

LAC/BAC, RG 13, vol. 922, file/dossier 6055

Ottawa, 29th December, 1925.

Memorandum:

Mr. James White,
Technical Adviser, Dept. of Justice.

You probably have our North West Territories Map of 1924¹⁶⁹ scale 60 miles to the inch. It has been thought, in some quarters, that the islands north of Lancaster Sound are not shown with sufficient clearness that they are British or Canadian Territory. Banks Island and Victoria Island have red lines around them and, although this is merely to indicate that they are Game Preserves, yet no colouring being around the other islands to the north would rather indicate that they were "No man's land".

Mr. Cory has asked me to suggest some method of showing on this map definitely and decidedly that they are Canadian Territory. He thinks that the area shown in red between the 60th and 141st degrees of Longitude are not sufficient to indicate that it is Canadian Territory.

It is suggested that we might make a large game reserve of all the Islands north of Lancaster Sound and place a ring around them. Another suggestion is that the different Police districts be outlined in some colour, but neither of these suggestions seem to me to be very satisfactory.

¹⁶⁷ 9-10 Geo. V (SC 1919), c. 11; 12-13 Geo. V (SC 1922) c. 6 and/ et c. 34, ss./ art. 4, 7, 8.

¹⁶⁸ Doc. 400, enclosures/ pièces jointes.

¹⁶⁹ Map 6 is based on this 1924 map. The original map shows the sector lines in red; the northern game preserves established in 1918 and 1920 (see doc. 234, footnote) are outlined, also in red. La carte 6 est fondée sur cette carte de 1924. La carte originale montre les lignes de secteur en rouge; les réserves de gibier nordiques établies en 1918 et 1920 (voir doc. 234, note en bas de page) sont aussi indiquées en rouge.

We had a meeting in Mr. Edwards' office, a few days ago, which Mr. Cory and Dr. Skelton also attended. It was decided that nothing should be placed on our maps unless there was a good and sufficient reason for doing so. For your information I enclose a copy of the minutes taken at this meeting. I thought you might be able to suggest some way out of the difficulty. If you think it necessary and if you have the time I might call another meeting some time, in Mr. Cory's office, in an endeavour to reach some definite understanding. I feel, of course, that this is a matter which is of as much interest to Dr. Skelton and Mr. Edwards as it is to the N.W.T. Branch.

O.S. Finnie

Enclosure: Minutes of Meeting
Pièce jointe : Procès-verbal de réunion
Copy/ Copie

A meeting was held on the 21 Dec 25 in the office of the Deputy Minister of Justice for the purpose of discussing the method of indicating on maps of Northern Canada, Canada's sovereignty thereto.

Those present were,--

Mr. W. Stuart Edwards - in the chair.

Dr. O.D. Skelton.

Mr. W.W. Cory.

Mr. O.S. Finnie.

Mr. R.K. Odell.

Mr. E. Martindale.

Mr. Finnie pointed out that a suggestion had been made that all islands lying to the north of Canada should be outlined in colour.

RE: MAP OF DOMINION (60 MILES TO THE INCH)

Mr. Odell produced an advance copy of a new map of the Dominion which, he stated, was still in the hands of the printer. This map does not include the territory right up to the pole, but as far as it goes shows the islands to the north of Canada in grey and foreign territory in white. After discussion, it was thought that insofar as this particular map was concerned the outlining of the Northern Islands would not serve any good purpose, Canada's claim thereto being sufficiently clearly indicated by the colouring. It was thought that a darker shade of grey might be advantageously used in order to differentiate more strongly the land thus coloured from Greenland and Alaska which were shown in white. Mr. Odell pointed out that this would be rectified in the final map.

A further suggestion was made that the lettering "District of Franklin" be spread out a little further northward in order to show more clearly that this district extended right to the pole.

It was also thought advisable to clearly mark all established police posts on all maps which included the land on which they were situated.

RE: MAP OF NORTH WEST TERRITORIES.

The advisability of outlining all the Northern Islands on the map of the North West Territories, whether included in established game reserves or not, formed the basis of considerable discussion. It was felt by those at the meeting that this would serve to emphasize to anyone seeing the map that Canada claimed sovereignty to the whole of this northern Archipelago, but fear was expressed that unless we had a very good reason for establishing a new game reserve in the north or had some other good reason for outlining

the islands, such action might look undignified and would not serve any good purpose with regard to Canada's claim.

Some of those at the meeting felt that the mere fact that the particular islands which are not outlined on the present map of the North West Territories form the main habitat of the musk-ox, would hardly be a good enough reason for setting this area apart as a musk-ox reserve and showing it as suggested on the next map issued, inasmuch as musk-ox are already protected, no matter where situated.

It was thought advisable to have the Departmental files and reports made by officers who had carried on exploratory work in the north gone over, with a view to arriving at the most plausible reason for establishing a game reserve.

A suggestion was made that it might be advisable to divide up the jurisdiction of the different police posts in the north and indicate on the map just what particular territory was included within each subdivision. The committee felt this was a very good suggestion and left the matter in the hands of Mr. Finnie to take up with Colonel Starnes.

Mr. Cory promised that after the matter had been carefully considered by the Department, it would again be brought to the attention of Mr. Edwards and Dr. Skelton before any final action was taken.¹⁷⁰

403.

Note from Secretary of State, United States, to Ambassador of United Kingdom in United States

Note du secrétaire d'État, États-Unis, à l'ambassadeur du Royaume-Uni aux États-Unis

LAC/ BAC, RG 7 G-21, vol. 412, file 10045

Copy/ Copie

Department of State, Washington,
January 11, 1926.

Excellency:

I have the honor to acknowledge the receipt of Mr. Chilton's Note[†] No. 1084, dated December 21, 1925, concerning the MacMillan Arctic Expedition of 1925, with its accompanying copies of affidavits made by officers of the Canadian Arctic Expedition of 1925, and copies of the Canadian laws in question.

¹⁷⁰ There do not appear to have been any further consultations with Edwards and Skelton. The memorandum on the creation of the Arctic Islands Game Preserve was drafted by Maxwell Graham and revised by James White. The draft was then sent to J.B. Harkin, Cortlandt Starnes, and Rudolph Anderson. See correspondence and memos in LAC, RG 85, vol. 2270, file 406-12.

Il ne semble pas y avoir eu aucune autre consultation auprès d'Edwards et Skelton. Le mémoire sur la création de la Réserve de gibier des îles arctiques fut rédigé par Maxwell Graham et revisé par James White. L'ébauche fut ensuite envoyée à J.B. Harkin, Cortlandt Starnes et Rudolph Anderson. Voir correspondance et notes dans BAC, RG 85, vol. 2270, dossier 406-12.

I have been pleased to bring these statements and affidavits to the attention of the authorities responsible for the MacMillan Expedition, including Commander MacMillan himself, and thank you for calling the attention of this Government to the matters in question.

Accept, Excellency, the renewed assurances of my highest consideration

For the Secretary of State [Frank Kellogg],
[Joseph C. Grew]

His Excellency,

The Right Honorable Sir Esme Howard, G.C.M.G., K.C.B., C.V.O.,
Ambassador of Great Britain.

404.

Note from Consul General of Norway to Secretary of State for External Affairs
Note du consul général de Norvège au secrétaire d'État aux Affaires extérieures
LAC/BAC, RG 25, vol. 2667, file/dossier 9057-A-40

Montreal, February 6th 1926

Sir,

Acting according to instructions from the Norwegian Government Mr. Steekmest, then Acting Consul General, on the 12th March 1925 sent you a note in which he asked for your kind information as to whether the Canadian Government contend that certain specified islands situated between the Canadian mainland and the North Polar regions belong to the Dominion of Canada, and if so, on what basis such claim of sovereignty is founded.

Having received no reply to this note I have been instructed to express to you that the Norwegian Government with interest is looking forward to receive the Canadian Government's reply to the request for information contained in the above mentioned note.¹⁷

I have the honour to be, Sir,
Your obedient servant,
Ludvig Aubert
Consul General of Norway.

The Honourable

The Secretary of State for External Affairs [W.L.M. King],
Ottawa.

Skelton asked Jean Desy of the Department of External Affairs to draft a reply to this note, based on White's April 1925 memo (doc. 343, enclosure). Desy suggested that the British government should be consulted before the reply was sent. It appears that this was not in fact done. No reply was sent, although a draft response (not found) was discussed and approved at the meeting of the Northern Advisory Board on 11 May 1926. See Skelton to Prime, 28 February 1926, LAC, RG 82, vol. 584, file 571; Skelton to Desy, 3 March 1926; Desy's undated response, and draft letter to Governor General's Secretary, 1 April 1926, LAC, RG 25, vol. 2960, file 1; and doc. 409.

Skelton demanda à Jean Desy du ministère des Affaires extérieures de rédiger une réponse à cette note, basée sur le mémoire d'avril 1925 de White (doc. 343, pièce jointe). Desy suggéra que le gouvernement britannique devrait être consulté avant que la réponse ne soit approuvée. Il semble que cela n'eut lieu jamais en fait. Aucune réponse ne fut envoyée, bien qu'un projet de réponse fût retenu, discuté et approuvé lors de la réunion du Conseil consultatif du Nord le 11 mai 1926. Voir Skelton to Prime, 28 February 1926, BAC, RG 82, vol. 584, dossier 571; Skelton to Desy, 3 March 1926; réponse de Desy non datée, et projet de lettre au secrétaire du gouvernement général, 1 April 1926, BAC, RG 25, vol. 2960, dossier 1; et doc. 409.

405.

Letter from Acting Under-Secretary of State for External Affairs to Hans Krüger
Lettre du sous-secrétaire d'État par intérim aux Affaires extérieures à Hans Krüger
LAC/ BAC, RG 25, vol. 1421, file/ dossier 1925-332
Copy/ Copie

Ottawa, 17th March, 1926.

Sir,

Referring to your letter† of the 1st instant and previous communications in regard to your desire to carry on scientific exploration in Canadian Arctic territory, I may inform you that your request has received the attention of the Advisory Board for the Protection of Wild Life and it is considered that a permit to enter Canadian territory for the purpose named by you might be granted on the terms and conditions in the memorandum marked 'A' which I enclose herewith. I also enclose for your information copies of the undermentioned papers containing the laws and regulations applicable to your visit and would more particularly draw your attention to the letter† from the Deputy Minister of Customs and Excise of the 6th March in regard to the requirements of that Department:

1. North West Territories Act.
2. Order-in-Council (P.C. 1379) dated 19th August, 1925.¹⁷²
3. Regulations for the Protection of Game in the North West Territories.
4. The Migratory Birds Convention Act and Federal Regulations.
5. Copy of letter – Department of Customs and Excise – 6th March, 1926, with enclosed Forms of Report, A6, A8, and A7.

A map,¹⁷³ on which the limits of the jurisdiction claimed by Canada in these regions is marked by red lines, is also enclosed.

I might add that it would be advisable for you to communicate direct with the Deputy Minister of Mines, Dr. Charles Camsell, and with the Deputy Minister of Agriculture, Dr. J.H. Grisdale, with regard to such information as they might require.

On its homeward journey it will be necessary for the expedition to call at one of the Royal Canadian Mounted Police posts in order to obtain Customs clearance and to report any infraction of Canadian laws or other incidents requiring investigation, and if you could return by way of Ottawa the Director of the North West Territories and Yukon would be glad to receive your visit and to afford you an opportunity of meeting Canadian Government officials who are interested in the North and who would much appreciate learning of the experiences of the expedition and the results obtained from it.

I would further advise you that as there is no provision in the Game Regulations for a remission of fees for hunting and trapping, except to officers of the Canadian Government, licences for these purposes cannot be issued without charge.

¹⁷² See/ Voir doc. 355, footnote/ note en bas de page.

¹⁷³ See/ Voir doc. 402, footnote/ note en bas de page.

It is considered advisable that you should take with you reasonable quantities of provisions and equipment as otherwise you might waste a large part of your time in obtaining food at the expense of your scientific work.

I have the honour to be, Sir,
Your obedient servant,

[W.H. Walker]
Acting Under-Secretary of State
for External Affairs.

Dr. H.K.E. Kruger,
Ernst-Ludwigstr. 7, Bensheim a.d. Bergstr.,
Germany.

Enclosure: List of conditions
Pièce jointe : Liste de conditions

Under an amendment to the North West Territories Act, assented to on the 27th June, 1925, the authority for issuing permits to scientists and explorers to enter the North West Territories was vested in the Commissioner in Council.

The following are the conditions under which it is proposed to issue a permit to Dr. H.K.E. Krueger, of Berlin, Germany, to explore and carry on scientific work in the following parts of Canada: Ellesmere Island, Axel Heiberg Island, Cornwall Island, Ringnes Island, Enderby Island, Borden Island, Meighen Island, or any of the other islands north of the mainland of Canada, between Longitude 65° and 141° [W], which the exigencies of travel may [make] it necessary to visit—

1. Th[at the] applicant must subscribe to the fact that the expedition is purely scientific and not commercial or political in its nature.
2. That no flag other than the British flag will be hoisted on land by the expedition, or any member or employee thereof, while within the Canadian Arctic.
3. That the expedition will strictly adhere to the regulations under the North West Game Act when in Canadian Territory, particularly with reference to musk-ox, to insure the safety of this species from possible slaughter.
4. That the applicant shall furnish a statement showing the number of persons, their names and nationality, both white and Eskimo, comprising the expedition.
5. That all scientific information secured should be made available to the Canadian Government within a reasonable time after the return of the expedition.
6. That permits to hunt and trap and to capture or kill migratory birds for scientific purposes should be taken out through the Dominion [National] Parks Branch, Department of the Interior, Ottawa.
7. That applicant furnish reports both inwards and outwards to the Customs officers at Craig Harbour (or Kane Basin), and pay duty on imported provisions and supplies landed in Canada.
8. That applicant make a declaration before the R.C.M.P. officers to the effect that himself and party are in good health and do not intend to reside permanently in Canada.

[O.S. Finnie]

406.

Letter from Hans Krüger to Under-Secretary of State for External Affairs**Lettre de Hans Krüger au sous-secrétaire d'État aux Affaires extérieures****LAC/ BAC, RG 25, vol. 1421, file/ dossier 1925-332**

Bensheim a[n] d[er] Bergstr[asse],
April 19th. 1926.

Sir [O.D. Skelton]:—

I have the honour to acknowledge receipt of your letter of March 17th and note that you are willing to issue the necessary permit for entering the Canadian Archipelago. Of course, I am very willing to conform to the conditions stipulated, but I think that it will be impossible to adhere to some of them to the letter. May I give some remarks on the different points?

Ad 1. I can readily subscribe to the fact that the expedition is purely scientific. In confirmation thereof I have offered the Minister of Mines to submit any informations regarding ore deposits were might discover, exclusively to him.

ad 2. No flag will be hoisted by the expedition or any member. On the contrary, if you will invest into myself the authority, I am willing to hoist the Canadian flag on land we might discover.

ad 3. As the expedition is very small, I think that the game regulations will not be violated. I am quite willing to keep a record of the game shot by the members of the expedition and to submit the original copy thereof to the Commissioner for the North West Territories after the return of the expedition.

ad 4. It is quite impossible today to give the exact number and names of the members of the expedition, as we shall have to engage Eskimo at Cape York. But I am prepared to deposit a statement with the costumes report as proposed by the Commissioner of Costums.

ad 5. All scientific informations will be at the disposal of the Canadian Government after the return of the expedition as soon as anyhow possible.

ad 6. It will not be possible to take out shooting licenses in advance, as the number and the names of the members can not be given and it is impossible to say for how many years we shall require permits. May I suggest that the Canadian Government might issue to the expedition some kind of general permit. I shall report particulars regarding the number of licenses after our return. The Foreign Office, Berlin, is willing to guarantee that this report and the fees will be forwarded at once. Otherwise the Canadian Government might authorise the C.R.M.P. officer at Craig Harbour to issue these licenses.

ad 7. Going in I shall report to the Costums officer at Craig Harbour or deposit a statement as proposed, going out I will do the same. The Foreign Office, Berlin, is also willing to guarantee a proper handling of this matter.

ad 8. I declare that we do not intend to reside permanently in Canada and as we must furnish a testimonial by a Government's doctor before entering Greenland, there is all reason to suppose that we will be in good health when entering Canadian territory.

If anyhow possible I shall return by way of Ottawa and will be very pleased to give all available information to the officials of the Government there. Should that not be possible I shall certainly come over later on, as I suppose there is some interest for lectures on these regions in Canada.¹⁷⁴

I have the honour to be, Sir,
Your obedient Servant
H.K.E. Kruger.

407.

Letter from Consul General of Norway to Under-Secretary of State for External Affairs

Lettre du consul général de Norvège au sous-secrétaire d'État aux Affaires extérieures

LAC/BAC, RG 25, vol. 1422, file/ dossier 417-C

Montreal, April 30th 1926

Sir,

Referring to my letter¹⁷⁵ of the 15th inst. I have the honour to inform you that I have so far not received any reply to my cablegram to the Foreign Office regarding the kind offer¹⁷⁶ of the Department of National Defence to assist in the matter of reception of any radio messages that the "Norge" may send out. I suppose the reason for that is that Amundsen has left for Svalbard, and the Foreign Office must communicate with him in the matter before they reply.

However, I have today received a communication from the Foreign Office at Oslo saying that there is a possibility that the airship "Norge" after its polar flight may pass over Canadian territory, and I have been instructed to obtain permit from the Canadian Government for the leaders of the airship to take cinematographic pictures in case they should fly over Canadian territory. It is pointed out that no pictures would be taken of territories with regard to which there is issued prohibition against taking photographic pictures.

¹⁷⁴ Economic conditions in Germany meant that promises of financial support for Krüger could not be fulfilled. He asked whether Canada would sponsor his expedition, but was refused. See Krüger to Skelton, 13 October 1926, also in file 1925-332. Krüger was unable to start until 1930, and the expedition was on a much reduced scale. He and his two companions did not return, and their fate remains unknown.

Les conditions économiques en Allemagne signifiaient que les promesses de soutien financier pour Krüger ne pouvaient être remplies. Il demanda si le Canada commandait son expédition, mais ce fut refusé. Voir Krüger to Skelton, 13 Octobre 1926, aussi au dossier 1925-332. Krüger put commencer de partir avant 1930 et l'expédition fut d'une envergure beaucoup plus réduite. Lui et ses deux compagnons ne revinrent pas et leur sort demeure inconnu.

¹⁷⁵ The dirigible *Norge* made a successful flight from Svalbard to Alaska in 1926. Roald Amundsen led the expedition, and Umberto Nobile was the pilot. Le dirigeable *Norge* effectua un vol réussi de Svalbard vers l'Alaska en 1926. Roald Amundsen dirigea l'expédition et Umberto Nobile fut le pilote.

I have the honour to apply to your kind intervention in order to obtain from the proper Canadian authorities permit for the airship "Norge" to fly over Canadian territory and to take cinematographic pictures as mentioned above.

I have the honour to be, Sir,
Your obedient servant,
Ludvig Aubert
Consul General of Norway.

Dr. O.D. Skelton, M.A., Ph.D.
Under-Secretary of State for External Affairs,
Ottawa.

408.

Letter from Director, Field Museum of Natural History, to Director, Northwest Territories and Yukon Branch, Department of the Interior
Lettre du directeur, Musée Field d'histoire naturelle, au directeur, Secteur des Territoires du Nord-Ouest et du Yukon, ministère de l'Intérieur
LAC/ BAC, RG 85, vol. 15, file/ dossier 20-MacMillan

Chicago, May 7, 1926.

Mr. O.S. Finney, Director
North West Territories and Yukon Branch,
Department of the Interior,
Ottawa, Canada.

Dear Sir:

Field Museum of Natural History is expecting to send several of its staff north this season with Commander Donald B. MacMillan on the Schooner Bowdoin. The object will be to collect natural history specimens for the Museum, including birds, mammals and fishes, and the men assigned for this special purpose are Alfred C. Weed, Ashley Hine and Walter Koelz.

They do not expect to make special effort[s] to collect game or fur bearing animals protected by the North West Game Act, but will devote themselves mainly to birds and fishes. If opportunity should arise, however, they would like to be authorized to take such animals in small numbers, not to exceed six of any one species. If it is within your discretion to permit the taking of these animals for scientific purposes, the Museum would greatly appreciate your courtesy in the matter.

Very sincerely yours,
D.C. Davies
Director.

409.

Minutes of meeting of Northern Advisory Board
Procès-verbal de réunion du Conseil consultatif du Nord
LAC/ BAC, RG 25, vol. 2669, file/ dossier 9062-C-40
Copy/ Copie

[Ottawa]

Minutes of a meeting of the Northern Advisory Board held on Tuesday, the 11th May, 1926, in the office of the Chairman, Mr. W. W. Cory, Deputy Minister of the Interior.

Those present were:

Mr. W. W. Cory, (in the chair),
 Mr. W. S. Edwards,
 Dr. Chas. Camsell,
 Mr. G. J. Desbarats,
 Mr. J. B. Harkin,
 Mr. G. P. Mackenzie,
 Mr. Jas. White,
 Dr. R. M. Anderson,
 Mr. W. M. Cory,
 Mr. E. D. Lennie,
 Colonel C. Starnes,
 Dr. O. D. Skelton,
 Mr. J. D. Craig,
 Mr. R. A. Gibson,
 Mr. O. S. Finnie,
 Major D. L. McKeand.

1. The minutes of the former meeting, having been sent to the different members of the Board, were confirmed.

2. Business arising out of these minutes was discussed as the first order of business.

(a) Mr. Finnie advised that Judge Dubuc, who had appeared before the Board at a previous meeting, had not yet submitted his draft on suggested amendments to the North West Territories Act. Mr. Desbarats stated that Judge Ford had commented to him on the necessity for remedying certain inconsistencies in the same Act. The Board felt that now was an opportune time to make any necessary amendments inasmuch as the Statutes are being revised by a Board of which Mr. I. R. Cameron is the Chairman. Mr. Finnie made a note to write to Judge Dubuc and Judge Ford for their suggestions.

(b) Mr. Finnie reported that Mr. Desbarats, in a memorandum,⁷ estimated the cost of providing an aeroplane, with crew and equipment, as follows: Capital cost \$26,490, operating expenses \$36,000. These figures do not include the pay, living quarters and rations for 4 men, or the cost of a lighting set estimated at \$2,500. In the discussion which followed, Mr. Desbarats pointed out that preparation would have to be commenced at least one year in advance. It was decided that a sub-committee consisting of Dr. Skelton, Mr. Edwards, Mr. Desbarats and Mr. White should draft a memorandum⁸ for the purpose of directing the Government's attention to the unprecedented aerial activities in the Arctic, the advantages which other Nations might hope to gain by means of these activities, the cost that would be entailed in sending aeroplanes with our northern expedition, etc.

⁷ Not found. Non retrouvée.

⁸ Not found. Non retrouvée.

(c) Mr. Jas. White reported on his interview with the officials of the National Geographic Society. He stated that as the President, Mr. Gilbert Grosvenor, was absent through illness he had an hour's interview with the Vice-President and Associate Editor, Mr. John Oliver LaGorce. As the Society already had three articles on Canadian subjects for publication, the editors could not undertake to publish any additional Canadian articles within a year. Mr. White interpreted this as being tantamount to a refusal. After some further consideration, the Board deemed it advisable to allow the matter to drop.

3. Explorers' permits under Section 8(q) North West Territories Act;

(a) A letter¹⁷⁸ which Dr. O.D. Skelton had received from Mr. H.K.E. Krueger with respect to the application of the Deutsche Arktische Expedition to visit Canadian territory was read. In view of the fact that Mr. Krueger had agreed to comply substantially with the terms of the North West Territories Act as submitted to him and the fact that the expedition was endorsed by the German Consul on behalf of the German Government, the Board concluded there would be no objection to favourably considering the application and granting the necessary permits.

(b) An application¹⁷⁹ from Dr. D.C. Davies, Director of the Field Museum of Natural History of Chicago, for permits for Alfred C. Weed, Ashley Hine and Walter Koelz, who are going North with Mr. Donald B. MacMillan in the auxiliary schooner "Bowdoin" to take fish and birds for scientific purposes was next considered by the Board. It was decided that Mr. Finnie should write the Field Museum and ascertain just what Mr. MacMillan's status was with respect to this expedition.

(c) The applications† for permits for Messrs. G.P. Putnam, H.C. Raven and Van Campen Heilner of the American Museum of Natural History of New York; Mr. James W. Herring of the Los Angeles Museum and Messrs. John Semple[,] E.G. Holt and W.E. Clyde Todd of the Carnegie Museum, Pittsburg, were next considered. The Board felt that there would be no objection to giving favourable consideration to these applications and granting the proper permits.

4. Communication from Consul General of Norway on behalf of the Norwegian Government re proposed voyage of the Airship "Norge";

(a) The views of the Board were asked for on an application¹⁸⁰ on behalf of the Norwegian Government made to the Under-Secretary of State for External Affairs for a permit for Captain Raold Amundsen, Commander of the Airship "Norge", to fly over Canadian territory and take motion pictures. Mr. Desbarats stated that under the

¹⁷⁸ Doc. 406.

¹⁷⁹ Doc. 408.

¹⁸⁰ Doc. 407.

International Air Regulations," no permit was necessary to fly over foreign territory unless the law of that particular country prohibited such flying. He stated that his Department had no objection to the granting of the permission asked for. After discussion the Board concluded there would be no objection to granting Amundsen the required authority, provided copies of any pictures taken over Canadian territory would be furnished the Canadian Government, and the matter was left in the hands of Dr. Skelton for reply.

5. Transient traders in the North West Territories:

(a) The proposed amendment to the regulations with respect to trading and trafficking in the North West Territories was next drawn to the attention of the Board in order to determine whether there were likely to be any international complications as a result of the exclusion of alien non-residents of the Territories from trading or trafficking therein. The Board expressed the opinion that the exclusion would not lead to international complications. A suggestion was made that instead of the proposed regulation provision be made for the granting of licenses to them on payment of a fee of \$1,000. After discussion the Board expressed the opinion that either course could be taken, but this was purely a departmental matter and not one for the Board's consideration.¹⁸²

6. Norwegian claims to Axel Heiberg and adjacent islands:

(a) Dr. Skelton read a draft¹⁸³ of a proposed letter to the Norwegian Consul in connection with Norway's claim to Axel Heiberg. He pointed out that the letter dealt with the subject in a very general way - it being felt that if any detailed statement of Canada's position was necessary this could best be made later on. One or two slight changes were suggested with respect to the proposed letter, which Dr. Skelton felt were good, and the Board approved of the form proposed.¹⁸⁴

The meeting adjourned at 12:50.

¹⁸² See "Convention relating to the Regulation of Aerial Navigation," *Treaties and National Treaty Series*, vol. 11, nos. 1-3, pp. 190-198, 243-274, 307-310, particularly articles 1, 2, 3, and 15, as well as Annex H, provisions 2 and 12. See also Edward P. Warner, "International Air Transport," *Foreign Affairs*, vol. 4, no. 2 (January 1926), p. 279. Canada was a party to the Convention, but Norway was not. Therefore, Canada was not supposed to permit flights in its airspace by aircraft from Norway (the only non-signatory nation), except by "a special and temporary authorisation." Also, Article 21 allowed any contracting state to deny foreign aircraft the right to employ photographic equipment in its airspace.

Voir « Convention portant [sur la] réglementation de la Navigation Aérienne », *Société des Nations, Recueil des Traités*, vol. 11, n° 1-3, p. 181-189, 208-242, 307-310, en particulier les articles 1, 2, 3, et 15 ainsi que l'annexe H, dispositions 2 et 12. Voir aussi Edward P. Warner, "International Air Transport," *Foreign Affairs*, vol. 4, no. 2 (January 1926), p. 279. Le Canada était partie à la Convention, mais pas la Norvège. Par conséquent, le Canada n'était pas censé autoriser des aéronefs de la Norvège ou d'autres nations non signataires à voler dans son espace aérien, sauf par une autorisation spéciale et temporaire. Aussi, l'article 21 autorisait tous les États contractants à refuser aux aéronefs étrangers le droit de se servir d'équipement photographique dans son espace aérien.

¹⁸³ See. Voir LAC-BAC, RG 85, vol. 764, file-dossier 5066.

¹⁸⁴ Not found. Non retrouvée.

¹⁸⁵ This reply was not sent. The negative side has not been decided. See. Voir doc. 404, troisième partie, p. 586, in page.

410.

Letter from Under-Secretary of State for External Affairs to Consul General of Norway

Lettre du sous-secrétaire d'État aux Affaires extérieures au consul général de Norvège

LAC/ BAC, RG 25, vol. 1422, file/ dossier 417-C

Copy/ Copie

Ottawa, 11th May, 1926

Sir,

I have the honour to acknowledge your letter of April 30th, indicating that as there is a possibility that the airship Norge after its polar flight may pass over Canadian territory, you have been instructed to secure from the proper Canadian authorities a permit for the airship to fly over Canadian territory and to take cinematographic pictures in such territory.

I am instructed to state that the Departments of National Defence and of the Interior have pleasure in acceding to this request and that there will be no objection to the Norge flying over Canadian territory whether on the mainland or the Arctic Archipelago, or taking cinematographic pictures in the course of such flight.

I am to add that the Department of National Defence would greatly appreciate the courtesy if duplicates of any such pictures could be secured.

I have the honour to be, Sir,

Your obedient servant,

[O.D. Skelton]

Under-Secretary of State
for External Affairs.

Ludwig Aubert, Esquire,

The Consul-General of Norway,
Montreal.

411.

Letter from Director, Northwest Territories and Yukon Branch, Department of the Interior, to Director, Field Museum of Natural History

Lettre du directeur, Secteur des Territoires du Nord-Ouest et du Yukon, ministère de l'Intérieur, au directeur, Musée Field d'histoire naturelle

LAC/ BAC, RG 85, vol. 15, file/ dossier 20-MacMillan

Copy/ Copie

[Ottawa,] 12th May, 1926.

Dear Doctor,

I am in receipt of your letter of the 7th instant, in which it is stated that you expect to send three members of your staff — Mr. Alfred C. Weed, Mr. Ashley Hine and Mr. Walter Koelz — to the Canadian Arctic this season with Commander Donald B. MacMillan, on the schooner "Bowdoin", and in which you apply, on their behalf, for a permit to collect specimens of birds, mammals and fishes.

There is a provision in the North West Territories Act, giving the Commissioner in Council authority to issue licenses or permits to scientists or explorers entering the North West Territories. Upon these permits being issued we would then be in a position to issue

the required permits to collect specimens for scientific purposes under the North West Game Act.

Your application for permits for the three officers named has been favourably considered, but before taking final action we would be glad to learn the status of Commander MacMillan in this expedition. Is he connected with it merely for the purpose of transporting your officers, or is he, himself, intending to carry on scientific or exploratory work in Canadian Territory? If the latter, he, also, would require a permit under the North West Territories Act. At date of writing no such application has been made by him or on his behalf.

I would be pleased to hear further from you on this point, after which the Department will be glad to proceed with the issuing of the necessary permits to Messrs. Weed, Hine and Koelz.

Yours truly,

[O.S. Finnie],
Director.

Dr. D.C. Davies,
Director, Field Museum of Natural History,
Chicago, U.S.A.

412.

**Letter from Donald MacMillan to Director, Northwest Territories and Yukon
Branch, Department of the Interior**

**Lettre de Donald MacMillan au directeur, Secteur des Territoires du Nord-Ouest et
du Yukon, ministère de l'Intérieur**

LAC/BAC, RG 85, vol. 15, file/ dossier 20-MacMillan

[Provincetown, Mass.]
May 21, 1926.

Mr. O.S. Finnie,
Department of the Interior,
Ottawa, Canada.

My dear Mr. Finnie:

I have been requested by The Field Museum of Chicago, to collect ethnological material from the natives along the east coast of Baffin Island in case we should happen to touch there on [the] way Southward from Disko Island, Greenland. Will you kindly issue a permit for me to do this in Canadian territory also same for specimens of rocks and minerals as requested by the Field Museum.¹⁸⁵

Very truly yours,

Donald B. MacMillan

¹⁸⁵ Marginal notes:/ Notes marginales :

Mr Cory[:] I suppose it is alright to issue a permit now, under the NWT Act. O.S. F[innie]
[Approved.] W.W. C[ory]

413.

Letter from Commissioner, Royal Canadian Mounted Police, to Director, Northwest Territories and Yukon Branch, Department of the Interior

Lettre du commissaire, Royale gendarmerie à cheval du Canada, au directeur, Secteur des Territoires du Nord-Ouest et du Yukon, ministère de l'Intérieur
LAC/BAC, RG 85, vol. 15, file/ dossier 20-MacMillan

Ottawa, May 22nd 1926.

Dear Sir,

I have your letter† of the 20th instant, with respect to the application of three scientists, therein mentioned, to enter the North West Territories on behalf of the Field Museum of Natural History of Chicago, who are proceeding North with Donald B. MacMillan, with the intention of visiting Baffin and Ellesmere Islands.

I note what you say with regard to Mr MacMillan, and that it is reported that he will leave Wiscasset, Maine, about the 19th of June next, his first port of call being Sydney, Nova Scotia, and asking for an expression of opinion as to how the matter should be handled.

May I say, in the first place, that it is my opinion that unless we are prepared to see this thing right through to the bitter end, if necessary, insofar as Doctor MacMillan is concerned, or any other foreigner, it is of no use taking any action at all, and for this reason I presume it will be necessary to ascertain how far the Dominion Government is prepared to proceed in any action taken by your Department, or any other Department of the Federal Government, if some such line as the following were followed:

If we do not receive a satisfactory account of the status of Commander MacMillan in the expedition you mention, and he does not comply with all the regulations of the North West Territories before proceeding North, it has occurred to me that we might enlist the co-operation of the Immigration Department and the Customs Department in this matter, and have an Immigration Officer and Customs Officer go aboard his vessel at Sydney, Nova Scotia, to examine and report upon the eligibility of MacMillan and his companions to enter Canadian territory. If those on board fill all the requirements of the Immigration and other Acts of Canada, the Immigration Officer and Customs Officer might return to shore and reboard MacMillan's vessel with the necessary permits, game licenses etc., these having been furnished the Officers concerned by your Department in advance.

If there is any possibility of MacMillan being refused admission to Canada because of any alleged infractions of Game Regulations in the N.W. Territories, it might be well to have him notified before he leaves Wiscasset, or to notify the Director of the Field Museum, Chicago, that he (MacMillan) will be refused admission to Canadian territory. This is, of course, if his previous actions are considered to be sufficient to bar him entry into Canadian Territory.

Mr MacMillan may still prove intractable and refuse to recognize Canadian rights and may leave Sydney or elsewhere and proceed North, and land wherever he pleases, out of reach of the members of this Force. If he stayed for any length of time however, it might be possible to give orders to our men to seize his ship under the Customs Act, perhaps, if found illegally in Canadian territory. The question would then very likely begin to assume almost international importance, and the point is whether the Canadian Government would desire to go that far. If so, it would be necessary perhaps, to have Inspector Wilcox and certain Non-Commissioned Officers and men appointed Immigration Officers as well as

Customs Officers. So far as I am aware, there is no general prohibition of foreigners under the Immigration Act, but each case should be treated on its merits under that Act, and I presume the members of this expedition, or MacMillan in particular, could be refused admission to Canadian territory. But who will see that the expedition or any part of it is deported? Could we rely upon the support of the Canadian Navy to escort this vessel out of Canadian waters under seizure — as I fear unless we are prepared to follow this thing right through to the bitter end, if necessary, it appears to be useless to take any action at all.

Yours very truly,

Cortlandt Starnes,
Commissioner.

O.S. Finnie, Esq.,
Director, N.W. Territories and Yukon [Branch],
Ottawa, Ontario.

414.

Letter from Director, Northwest Territories and Yukon Branch, Department of the Interior, to Director, Field Museum of Natural History
Lettre du directeur, Secteur des Territoires du Nord-Ouest et du Yukon, ministère de l'Intérieur, au directeur, Musée Field d'histoire naturelle
LAC/ BAC, RG 85, vol. 15, file/ dossier 20-MacMillan
Copy/ Copie

[Ottawa,] 29th May, 1926.

My Dear Doctor,

With further reference to your letter of the 7th instant, and to our subsequent correspondence regarding entry permits in favour of Alfred C. Weed, Ashley Hine and Walter Koelz, to enter the North West Territories of Canada, for the purpose of carrying on exploratory and scientific work, I enclose Permits* Nos. 12, 13 and 14. The permits are issued subject to the provisions contained in the schedule thereto. I would be much obliged if, before starting on the trip, the permittees would be kind enough to attach their signatures to the permits for the purpose of identification.

Enclosed also are permits* Nos. 27, 28 and 29, to take six specimens each of mammals and birds (except those birds protected under the Migratory Birds Convention Act) for scientific purposes, with the exception of musk-ox or bison.

Regarding the permit to Dr. MacMillan — he has written us asking for authority to take ethnological material as well as specimens of rock and minerals from the east coast of Baffin Island. Permit No. 15, under the North West Territories Act, has been issued to him and is being forwarded direct to him, at Freeport, Maine, today. We are asking him to be kind enough, at the conclusion of the journey, to let us have a list of the material he collects, stating where it is deposited, in order that it may be available for study to the officers of the Victoria Memorial Museum or other Canadians who may be interested.

Enclosed also is a copy of our map of the North West Territories of Canada showing the permanently established police posts in the eastern Arctic. I am sure the members of the force at these posts will be glad to assist the permittees in any way possible should the latter have occasion to call. Enclosed also is a copy of our Game Regulations.

Yours truly,

[O.S. Finnie],
Director.

Dr. D.C. Davies,
Director, Field Museum of Natural History,
Chicago, Ill, U.S.A.

415.

Memorandum from Director, Northwest Territories and Yukon Branch, to Deputy Minister of the Interior

Note du directeur, Secteur des Territoires du Nord-Ouest et du Yukon, au sous-ministre de l'Intérieur

LAC/BAC, RG 2, vol. 1391

Ottawa, 23rd June, 1926.

Memorandum:

W.W. Cory, Esq., C.M.G.,
Deputy Minister, Department of the Interior.

Enclosed, in duplicate, is a Memorandum to Council,¹⁸⁶ which –

1. Will create the Arctic Islands Preserve, embracing all our northern possessions except a portion of Baffin Land, and extend as far north as the pole.
2. Will make it necessary, before trading posts are established within the N.W.T., to first secure authorization from the Commissioner.

Enclosed also is a map,[†] which outlines in blue, the area covered by the proposed Arctic Islands Preserve. It embraces the preserve formerly known as "Backs River", but as the added portion was so much greater than the Backs River Preserve it was considered advisable to re-name it the "Arctic Islands Preserve". This was thought to be a suitable and appropriate name. Natives and half-breeds are to be given the right to hunt and trap but white men will be excluded except with the special permission of the Commissioner. Provision is made that prospectors may enter the area and may kill game for food purposes only, but the permission of the Commissioner must first be obtained. It does not permit the prospector to trap or take animals for their fur.

The Memorandum to Council also provides that Corporations located in any of the game preserves may, with the permission of the Commissioner, remain there. This is to cover trading posts already located in preserves, such as at Resolution and elsewhere. The whole purpose of the Memorandum is to protect both the natives and the wild life and to place something on the map to indicate that this Government control and administer the area between the 65th and 141st degrees of longitude right up to the pole.

¹⁸⁶ Meighen to Governor General, approved as Order-in-Council 1926-1146 on 19 July 1926. Meighen au gouverneur général, approuvée comme décret du Conseil 1926-1146 le 19 juillet 1926. See/ Voir *Canada Gazette*, 31 July 1926, pp. 382-383; 11 September 1926, pp. 750-752 (version française).

The second section, which makes it necessary to secure the permission of the Commissioner before a trading post is established, is for the purpose of giving the Department control and authority to say where trading posts shall be established, and where they shall not be established. In the past we have found that invariably trading posts were established at strategic points where the caribou crossed and, in the course of a year or two, the herds were diverted from their usual course, to the great detriment of the natives. Moreover, there are some parts of the North West Territories where it is not deemed advisable to permit the establishment of posts at all. It is thought in the new Arctic Islands Preserve there should be no further posts established. There are a number of them at the present time at Kent Peninsula, Cambridge Bay, Ellis River, Parry River, and on King William I. We think that some of these should be discontinued and that no others should be permitted within the Arctic Islands Preserve.

It is thought also that the area on the Thelon River, at the mouth of the Hanbury, where Mr. Hornby and Mr. Critchell-Bullock, reported having seen over forty musk-ox, last summer, should also be protected from the encroachment of traders and trading posts.

This whole matter was placed before Mr. Brabant, of the Hudson's Bay Co., at a meeting of the Advisory Board on Wild Life Protection, on the 12th November, 1925. He undertook to bring the matters referred to to the attention of his principals in London and let us have a speedy reply. He was advised of the contemplated action of the Department and the assistance of the Company solicited. It was months (16th Feby. 1926) [.] before we were able to secure a reply,¹⁹⁸ which was to the effect that they did not see that it was necessary to establish any further Preserves, and that they did not think they should be obliged to secure permission from the Government before establishing posts. They referred to their "legal rights" in the Arctic, which necessitated a reference of the whole matter to the Departmental Solicitor. The opinion¹⁹⁹ he expressed was that the Hudson's Bay Co., had no more rights in the Arctic than anybody else.

The matter of the Arctic Islands Preserve and the restriction of trading posts, has been before the Department for some years. They were urged by the Police, Capt. Henry Foke Munn, Dr. Rasmussen and many others who are qualified to express an opinion. It was before the Advisory Board on Wild Life Protection, and, at a meeting, held on the 11th March, 1926, a unanimous recommendation was made urging the action contemplated in the accompanying Memorandum to Council.

Mr. Jas. White very largely assisted in drafting the Memorandum. It was referred to the Departmental Solicitor [Kenneth Daly], who approved it after making a number of alterations. It was also individually referred to Dr. R.M. Anderson, to Mr. Harkin and to Col. Starnes, all of whom expressed their approval in writing. I think, therefore, it is now in shape to place before the Minister.

When it passes it will mean that we will have to write to each of the Companies and all traders, asking for a complete record of all their trading posts in the North West Territories. Permits will then be issued for those posts which we think should be retained. Those which we think are a detriment to the natives and to the wild life, no permits will be issued and they will be given an opportunity to withdraw. The Companies will also be instructed that before trading posts are established in the future they will be required to make application well in advance, in order that their applications may be thoroughly investigated before a permit is issued.

¹⁹⁸ I. Chadwick Brooks to Finnie, 26 February 1926, LAC/BAO, RG 85, vol. 1679, file dossier 405-5-1.
¹⁹⁹ Daly to Finnie, 6 May 1926, LAC/BAO, RG 85, vol. 1679, file dossier 405-5-1.

We may expect some opposition from the Hudson's Bay Co.,¹⁸⁹ and other traders, but the ultimate result will be to the benefit of the natives and the wild life of the country.

O.S. Finnie

416.

Despatch from Secretary of State for Dominion Affairs to Governor General
Dépêche du secrétaire d'État aux Affaires des Dominions au gouverneur général
LAC/BAC, RG 7 G-21, vol. 638, file/ dossier 34691

Downing Street,
 11 August, 1926.

Dominions No. 365

Confidential

My Lord,

With reference to my despatch Dominions No. 581 Confidential of the 18th December 1924, I have the honour to transmit to Your Excellency for the information of your Ministers copy of a despatch from His Majesty's Representative at Moscow forwarding translation of a decree issued by the Soviet Government declaring all lands and islands situated to the North of the Soviet Union not hitherto recognised by the Union Government as belonging to foreign Powers to be territory of the Soviet Union, with the inclusion of any territories not yet discovered in that area.

I have the honour to be,
 My Lord,
 Your Lordship's most obedient
 humble servant,

L.S. Amery

Governor General His Excellency General the Right Honourable
 Lord Byng of Vimy, G.C.B., G.C.M.G., M.V.O.,
 &c., &c., &c.

¹⁸⁹ The HBC did in fact put up a strong resistance and refused to apply for permits, but in the end it was forced to close some existing posts and seek Finnie's approval before opening new ones. To save face, the Company merely indicated its willingness to accept government permits for these posts. Extensive documentation on this struggle can be found in file 405-5-1.

La Compagnie de la Baie d'Hudson offrit en fait une forte résistance et refusa de demander des permis, mais à la fin elle fut forcée de fermer certains postes existants et de demander à Finnie une autorisation avant d'en ouvrir de nouveaux. Pour sauver la face, la Compagnie indiqua simplement sa volonté d'accepter les permis du gouvernement pour ces postes. Une documentation importante sur ce débat se trouve au dossier 405-5-1.

Enclosure 1: Despatch from Chargé d'affaires, Mission of United Kingdom in Union of Soviet Socialist Republics, to Secretary of State for Foreign Affairs

Pièce jointe 1 : Dépêche du chargé d'affaires, mission du Royaume-Uni auprès de l'Union des républiques socialistes soviétiques, au secrétaire d'Etat aux Affaires étrangères

LAC/BAC, RG 25, vol. 2667, file/ dossier 9057-B-40

Copy/ Copie

British Mission, Moscow.

April 19th 1926.

No. 300

Sir,

I have the honour to transmit, herewith translation of a decree which appeared in the "Izvestiya" of April 16th declaring all lands and islands situated to the North of the Soviet Union and not hitherto recognised by the Union Government as belonging to foreign Powers to be territory of the Soviet Union, with the inclusion of any territories not yet discovered in that area.

2. A "TASS" communiqué in the same copy of "Izvestiya" explains that this new decree does not constitute an innovation in international law, inasmuch as it has a precedent in the action of the British Government in 1923-24 in relation to the Antarctic zone.

I have etc.,

[R.M. Hodgson]

The Right Honourable Sir Austen Chamberlain, K.G., M.P.,

etc., etc., etc

Enclosure 2: Translation of Decree

Pièce jointe 2 : Traduction du décret

LAC/BAC, RG 25, vol. 2667, file/ dossier 9057-B-40

Copy/ Copie

The Presidium of the Central Executive Committee of the U.S.S.R. decrees:

All discovered lands and islands, as well as all those that may be discovered in the future, which are not at the moment of publication of this decree recognised by the Government of the U.S.S.R. as territory of some foreign Power, are declared to be territories belonging to the U.S.S.R., within the following limits:

In the Northern Arctic Ocean, from the northern coast of the U.S.S.R. up to the North Pole, between the meridian 32° 4' 35" East longitude from Greenwich, passing along the Eastern side of Vanda Bay through the triangulation mark on Kekursk Cape, and meridian 168° 49' 30" West longitude from Greenwich, passing through the middle of the strait

The creation of the Ross Dependency, comprising: La création d'une dépendance du Ross, consistant de toutes les îles et territoires entre le 100th degré de l'Est Longitude et le 180th degré de l'Est Longitude qui sont situés au sud du 60th degré de la Latitude.

See: *Voir British and Foreign State Papers*, vol. 117 (London: His Majesty's Stationery Office, 1926), pp. 91-92.

which separates Ratmanov and Kruzenstern Islands of the Diomede group of islands in the Behring Straits.

President of the Central Executive
Committee of the U.S.S.R.

[M. Kalinin]

Secretary of the Central Executive
Committee of the U.S.S.R.

[A. Enukidze]

Moscow, Kremlin, 1[5]th April 1926.

417.

Letter from Director, Northwest Territories and Yukon Branch, Department of the Interior, to Under-Secretary of State for External Affairs
Lettre du directeur, Secteur des Territoires du Nord-Ouest et du Yukon, ministère de l'Intérieur, au sous-secrétaire d'État aux Affaires extérieures
LAC/ BAC, RG 25, vol. 4252, file/ dossier 9057-40

Ottawa, 31st August, 1926.

Dear Dr. Skelton,

For your information I enclose copy of P.C. 1146,¹⁹¹ dated the 19th ultimo, creating the Arctic Islands Preserve and making it necessary for trading companies before establishing posts anywhere in the North West Territories, to first secure the consent and approval of the Commissioner. It was found that the establishment of trading posts, at strategic points, where the caribou crossed, had the effect of driving the animals away from those localities, the consequence being that the natives suffered from lack of food and clothing. The Department will now exercise more control over these matters and make it necessary to secure Government permission before trading posts may be indiscriminately established anywhere in the Territories.

Enclosed also is our map† of the North West Territories, showing outlined in green the boundaries of the Arctic Islands Preserve.

The creation of this Preserve and its appearance on our maps also has a bearing on British sovereignty in the North and serves to notify the world at large that the area between the 60th and 141st Meridians of Longitude, right up to the Pole, is owned and occupied by Canada. The last post established by our Arctic Expedition was at Bache Peninsula on the 6th instant.¹⁹² The R.C.M. Police are in occupation. I believe it is the most northerly post in the world and is in Latitude 79° 4' [North] – Longitude 76° 18' West.

Yours truly,

O.S. Finnie,
Director.

Dr. O.D. Skelton,
Under-Secretary of State for External Affairs,
Ottawa.

¹⁹¹ See/ Voir doc. 415, footnote/ note en bas de page.

¹⁹² See/ Voir J.D. Craig, F.D. Henderson, and et George P. Mackenzie, *Canada's Arctic Islands Canadian Expeditions 1922 and 1923 – 1924 – 1925 and 1926* (Ottawa: F.A. Acland, 1927), pp. 51-52.

418.

Letter from Under-Secretary of State for External Affairs to Director, Northwest Territories and Yukon Branch, Department of the Interior
 Lettre du sous-secrétaire d'État aux Affaires extérieures au directeur, Secteur des Territoires du Nord-Ouest et du Yukon, ministère de l'Intérieur
LAC/BAC, RG 85, vol. 2270, file/ dossier 406-12

Ottawa, 2nd September, 1926.

My dear Mr. Finnie,

I am in receipt of your letter of August 31st, enclosing copy of P.C. 1146, creating the Arctic Islands Preserve, and also a map outlining the boundaries of the new Preserve.

Aside from its immediate purpose, this Preserve should prove of distinct value as an assertion of our sovereignty in the North, and it is all the more valuable because apparently arising as a normal active police administration. The success of the Arctic Expedition in establishing a Royal Canadian Mounted Police post at Bache Peninsula should also be very helpful in the same direction.¹⁹³

Yours sincerely,

O.D. Skelton

O.S. Finnie, Esquire,

Director, North West Territories and Yukon Branch,
 Department of the Interior, Ottawa.

419.

Letter from Deputy Minister of the Interior to Under-Secretary of State for External Affairs

Lettre du sous-ministre de l'Intérieur au sous-secrétaire d'État aux Affaires extérieures

LAC/BAC, RG 85, vol. 771, file/ dossier 5342

Copy/ Copie

[Ottawa,] 16th September, 1926.

Dear Dr. Skelton,—

SECRET DESPATCH NO. 104 RE IMPERIAL CONFERENCE.

Adverting to our discussion of Document I-101, ¹⁹⁴ Copy No. 6, British Policy in the Antarctic, with map enclosure, I hope you will be able to be present at the Imperial Conference for you are so familiar with our Canadian Arctic policy.

For convenience of reference I will ask Mr. Finnie to prepare a memorandum supplementing the material which has already been furnished in connection with Arctic despatches. He will append copies of our regulations and recapitulate the permits granted,

¹⁹³ Skelton appears to have forgotten this correspondence by 1930. Skelton sent the report on this correspondence in 1930. See Voir doc. 511.

¹⁹⁴ This document was prepared by the Dominions Office for the Imperial Conference. There is a copy in file 5342. The Canadian despatch 104, 4 June 1925 (see doc. 371, enclosure B), is printed as an appendix, pp. 17-23. Ce document fut préparé par le Bureau des Dominions pour la conférence impériale. Il y a une copie au dossier 5342. La dépêche canadienne 104, 4 juin 1925 (voir doc. 371, pièce jointe B) est imprimée comme appendice, p. 17-23.

also tell of the patrols which we are making. If there is any further data required, please advise Mr. Finnie so that it may be included. I have requested him to collaborate with you in preparing the statement.

Incidentally it might be well to mention that Mr. James White is now in London in connection with the Labrador boundary case. He is an authority on Arctic exploration and might be of assistance if any intensive study of Arctic and Antarctic problems is contemplated.

Yours very truly,

[W.W. Cory]
Deputy Minister.

O.D. Skelton, Esq., M.A., Ph.D.,
Under-Secretary of State for External Affairs,
Ottawa.

420.

Letter from Under-Secretary of State for External Affairs to Deputy Minister of the Interior

Lettre du sous-secrétaire d'État aux Affaires extérieures au sous-ministre de l'Intérieur

LAC/ BAC, RG 85, vol. 771, file/ dossier 5342

Ottawa, 17th September, 1926

My dear Mr. Cory,

I am in receipt of your letter of September 16th, in regard to the possible forthcoming discussion at the Imperial Conference of the question of British policy in the Antarctic.

The memorandum which the Department of the Interior is preparing should cover the matter most satisfactorily. I have had a few words with Mr. McKenzie on the subject and think that the scope of the memorandum as he outlined it will be very helpful to any Minister who may be present.¹⁹⁵ The fact that Mr. White will be available in London should also prove of very decided advantage in case any detailed study of the situation becomes necessary.¹⁹⁶

Yours sincerely,

O.D. Skelton

W.W. Cory, Esquire, C.M.G.,
The Deputy Minister of the Interior,
Ottawa.

¹⁹⁵ A few weeks later, Cory forwarded extensive material to Skelton, including a map of the 1926 Eastern Arctic Patrol and a list of the thirty scientists and explorers who had applied for permits in 1926. It is not clear whether either department produced an actual memorandum. Quelques semaines plus tard, Cory envoya de la documentation complète à Skelton, incluant une carte de la patrouille de l'Arctique oriental de 1926 et une liste de trente scientifiques et explorateurs qui avaient demandé des permis en 1926. Il n'est pas clair si un ou l'autre ministère prépara un mémoire dans les faits.

¹⁹⁶ See/ Voir Cory to Skelton, 4 October 1926, LAC/ BAC, RG 25, vol. 4252, file/ dossier 9057-40. Jean Désy represented Canada at the discussions on polar matters. Whether he consulted with White is not known. Jean Désy représentait le Canada aux discussions sur les questions polaires. On ne sait pas s'il a consulté White.

421.

Note from Consul General of Norway to Secretary of State for External Affairs
Note du consul général de Norvège au secrétaire d'Etat aux Affaires extérieures
LAC/BAC, RG 25, vol. 2667, file/dossier 9057-A-40

Montreal, September 27, 1926

Sir,

In notes from this Consulate General dated March 12th 1925 and February 6th 1926 was asked for your kind information as to whether the Canadian government contend that certain specified islands situated between the Canadian main land and the North Polar regions belong to the Dominion of Canada, and if so, on what basis such claim of sovereignty is founded. I have not had the pleasure of receiving any reply to these two notes. The attention of the Foreign Office at Oslo has now been drawn to the regulations for the protection of game in the North West Territories and the Arctic Islands north of Canada, published in "The Canada Gazette", Saturday, July 31st, 1926, and I have been instructed to inform you that the Foreign Office would appreciate to obtain a statement from the Canadian Government in reply to the above mentioned notes from this Consulate General.¹⁹⁷

I have the honour to be,

Sir,

Your obedient servant,

Ludvig Aubert

Consul General of Norway.

The Honourable

The Secretary of State for External Affairs [W.L.M. King],
 Ottawa.

422.

Minutes of meeting of Northern Advisory Board
Procès-verbal de réunion du Conseil consultatif du Nord
LAC/BAC, MG 30 E-169, vol. 1, file/dossier "January 1922-February 1959"
Copy/ Copie

[Ottawa]

MINUTES OF THE NINTH MEETING OF THE NORTHERN ADVISORY BOARD
 HELD ON THURSDAY, THE 13TH JANUARY, 1927, IN THE OFFICE OF THE CHAIRMAN,
 MR. W.W. CORY, DEPUTY MINISTER OF THE INTERIOR.

Those present were—

Mr. W.W. Cory — Chairman

Mr. G.J. Desbarats

¹⁹⁷ Voir/ see doc. 415, footnote/ note en bas de page.

¹⁹⁸ W.H. Walker replied on 9 October that Prime Minister King and Skelton were in England for the Imperial Conference, and the matter would be taken up on their return. However, it was not August sent a further inquiry on 27 April 1927. Both these documents are also in file 9057-A-40. W.H. Walker répondit le 9 octobre que le premier ministre King et Skelton étaient en Angleterre pour la conférence impériale et que la question leur serait soumise à leur retour. Cependant, en août le fait que Aubert envoya une autre demande le 27 avril 1927. Ces documents se trouvent aussi en dossier 9057-A-40.

Colonel Cortlandt Starnes
 Dr. R.M. Anderson
 Mr. J.D. Craig
 Mr. W.B. Smith
 Mr. G.P. Mackenzie
 Dr. O.D. Skelton
 Dr. D.C. Scott
 Mr. James White
 Mr. J.B. Harkin
 Mr. O.S. Finnie
 Mr. W.M. Cory
 Major D.L. McKeand

[...]

(4) Dr. Skelton reported briefly on the proceedings at the Imperial Conference in so far as they might interest the Northern Advisory Board, and promised to let each member of the Board have a short typewritten summary,¹⁹⁹ which is attached hereto.

(5) The advisability of establishing a post on either Cornwallis, Bathurst or Melville Islands in the interest of Canadian sovereignty was discussed very fully.

Colonel Starnes expressed the opinion that unless it were very important from a sovereignty standpoint, he preferred to leave the establishment of a post on one of these islands until the following year. He stated it was not convenient to establish more than one post a year, and arrangements had already been made to establish one this year at Lake Harbour, South Baffin Island, and besides, he was not disposed to leave a detachment at a post where ice conditions might prevent the regular inspection the following year.

The relative position of Cornwallis, Bathurst and Melville Islands in so far as British sovereignty is concerned was questioned, and Mr. White expressed the opinion that they are all in the same position.

The Board felt that as Melville Sound is practically inaccessible from the west and as the posts already established at Pond Inlet and Dundas Harbour more or less control any entrance from the east by way of Lancaster Sound, the matter of establishing a post on those islands might well be deferred for this year at least.

Mr. Finnie pointed out that as British sovereignty in this area was not questioned in any way, and, as we know very little of the ice and other conditions in Barrow Strait and Melville Sound, he recommended that the Commander of the Canadian Government Expedition of 1927 be instructed to proceed through Lancaster Sound westward as far as the safety of the Expedition would permit and make a reconnaissance survey of harbours, ice conditions, etc. With this information before the Board the advisability of establishing a post on one of these islands could be given more intelligent consideration at a later date. This recommendation met with the unanimous approval of the Board.²⁰⁰

¹⁹⁹ Not found./ Non retrouvé.

²⁰⁰ Heavy ice forced the 1927 patrol to turn back when close to Cornwallis Island. La glace épaisse força la patrouille de 1927 à faire demi-tour alors qu'elle était proche de l'île Cornwallis.

See/ Voir Wilcox to Starnes, 14 August 1927, LAC/BAC, RG 18, vol. 3757, file/ dossier G-516-37.

The question of providing aircraft for the Canadian Government Arctic Expedition was again brought up. Mr. Desbarats reported that an aerial patrol party would be operating during the coming summer in the vicinity of Hudson Straits,²⁰¹ but as their time was fully occupied it would not be possible to extend their activities farther North. The Board expressed the opinion that while it appeared desirable to have aircraft with the Expedition, it was decided, that in view of the information furnished by Mr. Desbarats, not to recommend their use this year.

[D.L. McKeand]
Acting Secretary.

423.

Despatch from Secretary of State for Dominion Affairs to Governor General
Dépêche du secrétaire d'État aux Affaires des Dominions au gouverneur général
LAC/BAC, RG 7 G-21, vol. 638, file/ dossier 34691

Downing Street,
17 January, 1927.

Dominions No. 42

Secret.

My Lord,

With reference to my Confidential despatch Dominions No. 365 of the 11th August, I have the honour to request Your Excellency to inform your Ministers that the Soviet Government subsequently communicated officially to His Majesty's Government in Great Britain the decree of the 15th April, 1926 defining the territorial claims of Russia in the Arctic. A copy of a note from the Soviet Charge d'Affaires is enclosed.

2. It was thought desirable that the attitude to be adopted in relation to this decree should be considered by the Committee of the Imperial Conference which had been appointed to consider the subject of British policy in the Antaretic (see my Secret despatch²⁰² of the 5th of January). In their Report (F 130)²⁰³ the Committee expressed the opinion that the most satisfactory course would be to take no action. They pointed out that it was advantageous

²⁰¹ In 1927-1929 an expedition to Hudson Strait was jointly sponsored by the Departments of Marine and Fisheries, National Defence, and Railways and Canals. Extensive aerial photography was carried out.

En 1927-1929, une expédition vers le détroit d'Hudson fut commanditée conjointement par le ministère de la Marine et des Pêcheries, le ministère de la Défense nationale et le ministère des Chemins de fer et Canaux. De nombreuses photos aériennes furent prises.

See Voir LAC BAC, RG 42, vols 538-545, and et RG 85, vol. 773, file dossier 5506.

²⁰² See TNA, CAB 32 47; see also minutes of the committee's meetings, CAB 32 51. Although the Admiralty representative spoke against the sector theory, it was decided to make no protest against the Soviet decree because Canada had adopted the same principle.

Voir TNA, CAB 32 47; voir aussi les procès-verbaux des réunions du comité, CAB 32 51. Bien que le représentant de l'Amirauté ait parlé contre la théorie des secteurs, il fut décidé de ne pas protester contre le décret soviétique parce que le Canada avait adopté le même principe.

to be able to treat the silence with which the Letters Patent of 1917²⁰³ relating to the Falkland Islands Dependencies and the Ross Dependency Order in Council of 1923²⁰⁴ were received by foreign Powers as constituting acquiescence by such Powers in the issue of those instruments and that it was therefore desirable to follow the same course in connection with the Soviet decree. The Report of the Committee was approved by the Imperial Conference on the 19th November.

3. In view of the terms of the Committee's Report it is not proposed to return any reply to M. Bogomoloff's note of the 2nd September.

4. I take this opportunity of enclosing a copy of a despatch† from His Majesty's Representative at Moscow, reporting that steps have been taken by the Soviet authorities to create a permanent settlement on Wrangel Island.

I have the honour to be,
My Lord,

Your Lordship's most obedient,
humble servant,

L.S. Amery

Governor General His Excellency the Right Honourable
Viscount Willingdon, G.C.S.I., G.C.M.G., G.C.I.E., G.B.E.
etc., etc., etc.

Enclosure: Note from Chargé d'Affaires, Mission of Union of Soviet Socialist Republics in United Kingdom, to Secretary of State for Foreign Affairs

Pièce jointe : Note du chargé d'affaires, mission de l'Union des républiques socialistes soviétiques au Royaume-Uni, au secrétaire d'État aux Affaires étrangères

Copy/ Copie

M. Bogomoloff, Charge d'Affaires ad interim of the Government of the Union of Soviet Socialist Republics, presents his compliments to the Secretary of State for Foreign Affairs, and has the honour to state that he is requested by his Government to communicate the following to His Majesty's Government.

In view of the universal tendency manifested from the beginning of this century to regulate the juridic condition of the polar territories, the Government of the Union of Soviet Socialist Republics, after having examined this problem from the point of view regarding that part of the Arctic region bordering upon the Northern coast of the Union,

²⁰³ The lands south of 50° S. latitude and between 20° and 80° W. longitude (Graham Land, South Georgia, the South Orkneys, the South Shetlands, and the Sandwich Islands) were made dependencies of the Falkland Islands in 1908. The stated limits inadvertently appeared to include some other islands that were claimed by Chile and Argentina. In 1917 the boundaries were amended to rectify the ambiguity, excluding the area between 50° and 80° W longitude which was north of 58° S latitude.

Les terres au sud de la latitude 50° S et entre la longitude 20° et 80° O (Terre de Graham, Géorgie du Sud, les îles Orcades du Sud, les îles Shetland du Sud et les îles Sandwich) furent constituées en dépendances des îles Falkland en 1908. Les limites énoncées semblaient inclure par mégarde certaines autres îles qui étaient revendiquées par le Chili et l'Argentine. En 1917, les limites territoriales furent modifiées pour corriger cette ambiguïté, excluant la partie de la zone entre la longitude 50° et 80° O qui se situait au nord de la latitude 58° S.

See/ Voir *British and Foreign State Papers*, vol. 101 (London: His Majesty's Stationery Office, 1912), pp. 76-77, and/ et vol. 111 (London: His Majesty's Stationery Office, 1921), pp. 16-17.

²⁰⁴ See/ Voir doc. 416, footnote/ note en bas de page.

published on the 15th April last a Decree entitled "Decree declaring the land and the islands situated in the Arctic Ocean as territory of the Union of Soviet Socialist Republics".

In this Decree, all the land and isles situated in the Arctic Ocean within the limits of the sector formed by the meridians encircling the northern shores of the Union, which have been discovered and are discovered in future, and which are not recognised by the Government of the Union as territory of a foreign State at the date of the promulgation of the Decree, are declared the territory of the Union of Soviet Socialist Republics. These meridians are specified in the Decree, a copy of which is enclosed.

M. Bogomoloff has the honour to request that the Secretary of State for Foreign Affairs will inform His Majesty's Government of the above.

[Dmitri Bogomoloff]

[London,] 2nd September, 1926.

424.

Letter from Wilfrid Bovey to Chief of General Staff, Department of National Defence
Lettre de Wilfrid Bovey au chef d'état-major général, ministère de la Défense nationale

LAC/ BAC, RG 25, vol. 2668, file/ dossier 9058-B-40

Copy/ Copie

[Montréal,] January 25, 1927.

Personal and Secret.

Major-General J.H. MacBrien, C.B., C.M.G., D.S.O.,

Chief of General Staff,

Department of National Defence, Ottawa.

My dear General:-

Before General McNaughton left, I spoke to him regarding a proposed visit here to be made by Commander Donald B. Macmillan, under the auspices of the Robert Louis Stevenson Chapter, Imperial Order Daughters of the Empire, of which Mrs. Bovey is the head. I asked him whether there was any specific objection to such a visit, in other words whether Commander Macmillan had caused any difficulties which would make it unadvisable for him to come. I do not know whether he spoke to you, but I believe that he saw Commissioner Starnes and I know that he had a long talk to Mr. Finnie.

As a result he informed me that there was no objection to Macmillan coming, but that it would be inadvisable for any person representing the Government to take the chair at his meeting or give any official sanction to the event. He asked me at the same time to try and get at the inside story and to find out Macmillan's future intentions. I told him that I was quite willing to do this and thought that I would be able to, as I had reason to think that Macmillan was personally very friendly.

I should explain that Macmillan is a member of the same College Fraternity as myself and that the Fraternity is one in which we keep up quite a close personal connection.

He arrived yesterday, came to tea at my house, went to dinner with the graduates and undergraduates of the Fraternity above mentioned, gave his lecture and went to a reception. As I was with him the whole time I had a good opportunity to get at the information required and was somewhat astonished at what I found out.

²⁰⁵ See Voir doc. 416, enclosure pièce jointe.

Macmillan himself was born in Canada in the Province of Nova Scotia.²⁰⁶ His father, a captain, was drowned at sea and Macmillan was adopted by another captain and sent to Bowdoin College, Brunswick, Maine, after which he went to live in Provincetown and became an American citizen. He has always been enthusiastic on the subject of the Arctic and all that is to be found there, flora, fauna and people. Although I should not think that he had a very deep scientific training, he has the scientists' love of collecting knowledge, and it appears to me that his one aim is to know as much as possible about the Arctic. He is very fond of flowers, for example, and keeps flowers in his cabin. He is a great enthusiast regarding Eskimo dogs and Eskimo people. He strikes me as being an entirely honest, keen traveller and explorer of a completely old-fashioned type, and one to whom the practical advantage to be gained is not the principal object in exploration.

He told us in his lecture that he entirely disbelieves in the possibility of using aeroplanes for practical exploration in the Arctic, that he does not like them and never wants to have them.

Now with regard to the Bird [Byrd] incident,²⁰⁷ he brought up the subject himself by saying that he was afraid he had got in rather wrong with the Canadian Government and I told him that in this he was correct. He said that the situation was as follows. The aeroplanes and air men of his trip were under his command as Captain, but so far as any exploration or strategic use of the planes was concerned, they were entirely under Bird. Macmillan had nothing to say as to where they should go or as to what they should do once they had hopped off.

Before leaving the United States he had asked the Bureau of Aeronautics at Washington – the Aeronautic Department was the name he used – to get him a permit from the Canadian Government.²⁰⁸ They had told him that they would not ask the Canadian Government for a permit, as this would be an acknowledgement of Canadian sovereignty, that Canada was then occupying only the South end of Ellesmere Land and that they did not recognize Canadian sovereignty over the whole island. Naturally Macmillan could do nothing further and proceeded on his trip.

When he arrived at Etah he met the "Arctic" with McKenzie, representing, I suppose, the Canadian Government. Bird went either ashore or to the Arctic without Macmillan and Macmillan thinks Bird dined with McKenzie. From one of the other members of the party Macmillan learned that McKenzie asked Bird whether he would like a permit and told him that he was quite ready to give him one, but Bird replied, knowing this to be false, that Macmillan already had a permit. Bird's reason for this story was of course that his instructions from Washington were not to accept a permit under any conditions.

Macmillan says that this whole matter is embodied in an affidavit, but where this affidavit now is I do not know. Macmillan at the time knew nothing about what had happened and only found out some time later. He told me that he felt very badly about the whole affair, that he did not want to be party to anything unfriendly to Canada, the more so as he was born in Canada himself, and that he hoped that some way would be found of letting the Canadian Government know that he at least was not to blame.

I think that you will probably be satisfied that this was the case, as I have no reason to think that he was telling me anything but what he considered an absolutely correct story.

²⁰⁶ He was born in Provincetown, Massachusetts. / Il est né à Provincetown, Massachusetts.

²⁰⁷ See/ Voir docs 397-401.

²⁰⁸ This was untrue; on more than one occasion, MacMillan had strongly urged the US government not to recognize Canada's claim. C'était faux, à plus d'une occasion MacMillan avait fortement mené le gouvernement américain à ne pas reconnaître la revendication du Canada. See/ Voir docs 359, 401, footnotes/ notes en bas de page.

He made a most favourable impression on me and answered any questions which I put to him, to elucidate the story, quite frankly. On the other hand, there is no question but that the Bureau of Aeronautics at least, if not any higher branch of the American Government, had an eye on Ellesmere Land and had every intention of contesting our sovereignty over it, if it seemed to them desirable to do so. Macmillan knew nothing of any other department being interested, and I do not think that he had any definite idea as to why the aeronautic people were interested.

As regards the future, I am quite convinced that Macmillan personally is aiming at nothing except the collecting of information. He will be here again in May for a couple of days and I shall be quite glad to do anything further that you want in the matter. My personal feeling is that he would be quite pleased to explain his position to anyone, provided that he were satisfied that the conversation would be confidential, as he was quite definite in saying that he did not want to be mixed up in any attempt of the American Government to obtain what we regard as Canadian territory.

Kind regards,

Yours sincerely,

[Wilfrid Bovey]

425.

Memorandum from Director, Northwest Territories and Yukon Branch, to Deputy Minister of the Interior

Note du directeur, Secteur des Territoires du Nord-Ouest et du Yukon, au sous-ministre de l'Intérieur

LAC/BAC, RG 25, vol. 2668, file/dossier 9058-B-40

Ottawa, 8th February, 1927.

Personal and Confidential

Memorandum:

W.W. Cory, Esq., C.M.G.,

Deputy Minister, Department of the Interior.

I am enclosing a confidential letter²⁰⁹ from Dr. Skelton, enclosing another²¹⁰ from Colonel Bovey, of Montreal, to Major General MacBrien, respecting a conversation he (Bovey) had recently with the Explorer MacMillan, in Montreal, pertaining to the trip they made to the Arctic in 1925.

You will remember, in the declaration²¹¹ made by Mr. Mackenzie, and which was forwarded to the U.S. State Department, it was clearly set out that MacMillan had told Commander Byrd that he (MacMillan) had received permits from the Canadian Government to fly over Ellesmere and other Canadian Islands.

The attached letter from Colonel Bovey indicates that MacMillan repudiates the statement that he authorized Byrd to tell Mackenzie that he had secured such a permit. Byrd, you will remember, on being interrogated by Mr. Mackenzie, when their ships were lying in the Harbour at Iqah, said that he did not know whether a permit had been secured or not but would ask MacMillan. He repaired to MacMillan's ship for that purpose and upon returning informed Mr. Mackenzie that MacMillan had said that he (MacMillan) had already obtained a permit to fly. In the attached letter from Colonel Bovey it seems that

²⁰⁹ See previous document., Voir le document précédent.

²¹⁰ Doc. 400, enclosure pièce jointe.

MacMillan now denies this and that Byrd told Mackenzie what he did, knowing it to be false. MacMillan says further that Byrd's reason for this story was because of instructions from Washington that he was not to accept a permit from Canadian authorities, under any condition, as it would be an acknowledgment of our sovereignty.

The whole thing is a nasty mess, but underlying it there seems to be little doubt that the State Department issued instructions that no permit should be applied for, or accepted, on any account and it looks as if the story told by MacMillan (if it was untrue) was to protect their own State Department.

Byrd told a very straight story to Mackenzie, and also to you when you were in Washington, but now that MacMillan comes forward and says that it is untrue I think Byrd should be given a further opportunity to reply to MacMillan's statements. Mr. Mackenzie might write Byrd a friendly letter to the effect that we had been credibly informed of MacMillan's denials and ask if he cared to make any further explanation.

If you approve of this course I will submit the whole matter to Dr. Skelton. This information comes to Dr. Skelton in a personal and secret way and we would not of course wish to use it unless with the Doctor's consent.

A copy of Mr. Mackenzie's declaration is also attached.²¹¹

O.S. Finnie

426.

Letter from Director, Northwest Territories and Yukon Branch, Department of the Interior, to Under-Secretary of State for External Affairs
Lettre du directeur, Secteur des Territoires du Nord-Ouest et du Yukon, ministère de l'Intérieur, au sous-secrétaire d'État aux Affaires extérieures
LAC/ BAC, RG 25, vol. 2668, file/ dossier 9058-B-40

Ottawa, 11th March, 1927.

Dear Dr. Skelton,

I am returning herewith the letter of Colonel Bovey to Major-General MacBrien, in connection with the MacMillan incident. I also enclose my memorandum²¹² to Mr. Cory, in which I suggested that Mr. Mackenzie write a friendly letter to Commander Byrd, to the effect that MacMillan now denied what Byrd had told Mr. Mackenzie in the Harbour at Etah, in 1925, regarding having secured a permit to fly over Canadian Territory.

Mr. Cory thinks that no good purpose could be accomplished by further discussion just now.

A copy of the letter which was drafted for Mr. Mackenzie's signature, had you and Mr. Cory approved, is attached.

²¹¹ Marginal note:/ Note marginale :

Be guided by Dr. Skelton's advice in this matter. My own view is that no good purpose can be attained by further discussion just now. W.W. C[ory]

²¹² Doc. 425.

"Do you think this letter should be sent or would you advise dropping the whole matter?"
All the papers are returned herewith. I have kept no copies.

Yours truly,

O.S. Finnie,
Director.

Dr. O.D. Skelton,
Under-Secretary of State for External Affairs,
Ottawa.

Enclosure: Draft letter from Officer in Charge of Eastern Arctic Patrol to Richard E. Byrd

Pièce jointe : Projet de lettre de l'officier responsable de la patrouille de l'Arctique oriental à Richard E. Byrd

Ottawa, 11th March, 1927.

Dear Commander Byrd,

You will doubtless remember that on the 19th of August, 1925, in the Harbour at Etah, you boarded the C.G.S. "Arctic" and informed me that Commander MacMillan had stated to you that he (MacMillan) had obtained a permit from the Canadian Government authorizing you, and other members of your expedition, to fly over Canadian Territory in the Arctic.

It is only fair now to advise you that I am credibly informed that Commander MacMillan has asserted that at no time did he state to you that he had received such a permit from the Government of Canada.

This statement was made by Commander MacMillan on the occasion of a visit he made recently to Montreal and there seems to be little doubt that my informants are correctly reporting Commander MacMillan's statements.

Yours truly,

[G.P. Mackenzie],
Officer in Charge
Arctic Expeditions.

Commander R.E. Byrd,
United States Navy,
Washington, D.C., U.S.A.

427.

Letter from Under-Secretary of State for External Affairs to Director, Northwest Territories and Yukon Branch, Department of the Interior

Lettre du sous-secrétaire d'État aux Affaires extérieures au directeur, Secteur des Territoires du Nord-Ouest et du Yukon, ministère de l'Intérieur

LAC/BAC, RG 25, vol. 2668, file/ dossier 9058-B-40

Copy/ Copie

Ottawa, 18th March, 1927

My dear Mr. Finnie,

I am in receipt of your letter of March 11th, with reference to the Byrd-MacMillan incident.

Colonel Bovey's information was somewhat disturbing. There are some elements of probability in MacMillan's version. At the same time I gather it was the opinion of Mr. Cory and yourself and all the members of the Arctic Committee who had a personal knowledge of Commander Byrd, that he was unquestionably honourable and straightforward. Under all the circumstances I am inclined to agree with Mr. Cory that it is not advisable to take any further action at the present time, but the correspondence which has been sent may be of help to us in later dealings with our Washington friends.

Yours sincerely,

[O.D. Skelton]

O.S. Finnie, Esquire,

Director, North West Territories and Yukon Branch,
Department of the Interior, Ottawa.

428.

Note from Consul General of Norway to Secretary of State for External Affairs
Note du consul général de Norvège au secrétaire d'État aux Affaires extérieures
LAC/ BAC, RG 25, vol. 2667, file/ dossier 9057-A-40

Montreal, March 26th, 1928.

Sir,

I have the honour, by direction of my Government, to communicate the following to you:—

Acting upon instructions from the Ministry of Foreign Affairs, Oslo, I had the honour to send you on March 12th, 1925, a note concerning certain Arctic Islands discovered by Captain Otto Sverdrup, the leader of the Second Norwegian Polar Expedition on board the "FRAM", 1898-1902. These Islands, mapped by Captain Sverdrup and his companions, include i.a. Axel Heibergs Island, Ellef Ringnes Island, Amund Ringnes Island, and King Christians Island, and were taken possession of by Captain Sverdrup in the name of His Majesty the King of Norway. It had, however, come to the notice of my Government that in certain publications issued by Canadian Government Authorities, these Islands were referred to as Canadian. My Government, therefore, desired to be informed whether the Dominion Government contend that these Islands belonged to the Dominion, and, if so, on what basis such claim of sovereignty was founded.

In the absence of any reply from you in regard to this matter, I ventured to draw your attention to the matter in a note dated February 6th, 1926, and again in a note of September 27th, 1926. The Acting Under-Secretary of State for External Affairs then advised me in a letter† dated October 9th, 1926, that the matter would be taken up when the Prime Minister returned from England, and a statement furnished to me. So far I have not, however, received any such statement, neither have I received any reply to my subsequent note‡ to you of April 27th, 1927, relative to the matter, which I also mentioned during a conversation I had with Dr. Skelton at Ottawa on January 25th, 1928.

I am now instructed by my Government to inform you that they reserve to Norway all rights coming to my country under International Law in connection with the said areas.¹⁰

I have the honour to be,

Sir,

Your obedient servant,

Ludvig Aubert

Consul-General of Norway.

The Honourable

The Secretary of State for External Affairs (W.L.M. King),
Ottawa.

On 8 February 1928, Sverdrup wrote a letter to the Norwegian foreign ministry in which he threatened to approach Canada for compensation if no Norwegian claim to his discoveries was made. At the time Norwegian officials were preoccupied with the issue of sovereignty over Bouvet Island. A Norwegian expedition, having reached the island in 1927, had claimed it for Norway. The British, too, had a claim on the basis of a landing there by Captain George Norris in 1825. The Norwegian minister in London insisted that his country had known nothing about this claim. Backing down seemed likely to provoke an unfavourable public reaction. In this situation, Norwegian parliamentarians agreed in a secret meeting on 16 March that, although their country's claim to the Sverdrup Islands was very weak, it could be used as a pawn in the negotiations over Bouvet Island.

Le 8 février 1928, Sverdrup écrivit une lettre au ministère norvégien des Affaires étrangères, dans laquelle il menaçait de faire des démarches auprès du Canada pour obtenir une compensation si aucune revendication de ses découvertes n'était faite par la Norvège. Sur le moment, les responsables norvégiens étaient préoccupés par la question de la souveraineté sur l'île Bouvet. Une expédition norvégienne avait atteint l'île en 1927 et l'avait revendiquée pour la Norvège. Les Britanniques estimaient qu'ils avaient des droits, en raison du débarquement sur l'île par le capitaine George Norris en 1825. Le ministre norvégien à Londres soutint que son pays n'avait aucune connaissance de cette revendication. Selon toute vraisemblance, le renoncement à ces droits aurait été mal accueilli par la population. Les parlementaires norvégiens convinrent au cours d'une réunion secrète le 16 mars que, malgré la faiblesse de la revendication de leur pays à l'égard des îles Sverdrup, la Norvège pouvait s'en servir comme levier dans les négociations concernant l'île Bouvet.

See: Voir Thorleif Tobias Thorleifsson, "Norway 'Must Really Drop Their Absurd Claims Such as That to the Otto Sverdrup Islands,'" *Bi-Polar International Diplomacy: The Sverdrup Islands Question, 1902-1930*, Master's thesis, Simon Fraser University, 2006, pp. 63-64.

¹⁰ There is a detailed draft reply to this note dated 16 August 1928, in LAC, RG 25, vol. 2960, file 1. It echoes the press statement made by Minister Stewart in 1925. However, it was not sent, perhaps because Skelton was about to leave for Europe and did not have sufficient time to consider the draft. Instead, Skelton's secretary, Marjorie McKenzie, informed Aubert that the matter would be taken up after Skelton's return. McKenzie to Aubert, 18 August 1928, also in file 9057-A-40.

Il existe un projet de réponse détaillée à cette note diplomatique, datée du 16 août 1928, dans LAC, RG 25, vol. 2960, dossier 1. Elle repète la déclaration faite à la presse par le ministre Stewart en 1925. Cependant, elle ne fut pas envoyée, peut-être parce que Skelton était sur le point de partir pour l'Europe et n'avait pas eu suffisamment de temps pour l'examiner. Plutôt, la secrétaire de Skelton, Marjorie McKenzie, informa Aubert que la question serait soulevée après le retour de Skelton. McKenzie to Aubert, 18 August 1928, aussi au dossier 9057-A-40.

429.

Memorandum from Director, Northwest Territories and Yukon Branch, to Acting Deputy Minister of the Interior

Note du directeur, Secteur des Territoires du Nord-Ouest et du Yukon, au sous-ministre de l'Intérieur par intérim

LAC/BAC, RG 85, vol. 584, file/dossier 571

Ottawa, 24th April, 1928.

Memorandum:

R.A. Gibson, Esq.,

Acting Deputy Minister, Department of the Interior.

Captain Bernier gave an address in Montreal, a few weeks ago, before the Rotary Club in the Windsor Hotel. The subject of his address was "The Arctic Regions of Canada", and, as usual, he patted himself on the back for what he had done in the way of claiming the Arctic Islands and planting the flag for the British Crown. The report,²¹⁵ which appeared in the "Gazette" of the 11th instant, states in part as follows:—

"Captain Bernier stated that he had laid claim for Canada to all the islands in that region, planting the flag on the islands during the years between 1904 and 1911 and later during 1922 and 1923 and 1925 and 1926".

Of course there is never a word about him being in that country as an employee of one of the Departments of the Government, nor is there anything about the Imperial Order in Council, of 1880, which transferred the Arctic Islands to Canada.

Many students of Arctic geography, including the late Mr. James White, were firmly of opinion that such utterances, from a retired officer of the Department of the Interior, were injurious to the British claim. His statements make it appear that we had some doubt as to the validity of the Imperial Order in Council of 1880, and that it was necessary to supplement that by planting the flag.

It might be a good thing to refer this matter to the Under-Secretary of State for External Affairs, and ascertain whether, in his opinion, these remarks, which Captain Bernier persists in making from time to time in Public, could possibly prove detrimental to Canada's interest. It might be that they would make no difference one way or another, but I think the opinion of the Under-Secretary of State should be secured. I know Captain Bernier is firmly of opinion that if it were not for him the entire Arctic would be in foreign hands and it would, of course, be difficult to control his utterances regarding northern exploration.²¹⁶

O.S. Finnie

²¹⁵ "Bernier Endorses Hudson Bay Route," *Montreal Gazette*, 11 April 1928, p. 5.

²¹⁶ Cory recommended having a discussion with Bernier the next time he was in Ottawa. See Cory to Finnie, 28 April 1928, also in file 571. The results of the discussion were not recorded.

Cory recommandait d'avoir une discussion avec Bernier la prochaine fois qu'il serait à Ottawa. Voir Cory to Finnie, 28 April 1928, aussi au dossier 571. Les résultats de la discussion ne furent pas enregistrés.

430.

Despatch from Secretary of State for Dominion Affairs to Secretary of State for External Affairs

Dépêche du secrétaire d'État aux Affaires des Dominions au secrétaire d'État aux Affaires extérieures

LAC/BAC, RG 25, vol. 1513, file/ dossier 1928-206-C

Downing Street,
30 April, 1928.

No. 223

Secret.

Sir,

With reference to my Secret despatch* Dominions No. 146 of the 21st March, I have the honour to transmit, for the information of His Majesty's Government in Canada, the accompanying copy of a despatch from His Majesty's Minister at Oslo regarding Bouvet Island.

2. I enclose also a copy of Sir F. Lindley's despatch† of the 8th March regarding Norwegian activities in the Antarctic, which is referred to in his despatch of the 12th March.

I have the honour to be, Sir,
Your most obedient,
humble servant,

L.S. Amery

The Secretary of State for External Affairs [W.L.M. King],
Canada.

Enclosure: Despatch from Minister of United Kingdom in Norway to Secretary of State for Foreign Affairs

Pièce joint : Dépêche du ministre du Royaume-Uni en Norvège au secrétaire d'État aux Affaires étrangères

Copy/ Copie

British Legation, Oslo.
12th March, 1928.

Sir,

With reference to my despatch No. 146 of the 8th instant I have the honour to report that Mr. Vogt, Norwegian Minister in London, called on me this morning and soon turned the conversation to the subject of Bouvet Island. He began by asking me whether I had received an account of his last interview with you (see your despatch‡ W. 1898 532-50 of the 28th ultimo), in which you had expressed yourself somewhat forcibly regarding the action of the Norwegian Government in proceeding to annex Bouvet Island without consulting His Majesty's Government, in whose name the island had been annexed more than a hundred years ago. Mr. Vogt assured me with great earnestness that the Norwegian Government had no knowledge of the previous British annexation when they sanctioned the action of the Captain of the "Norvegia" in hoisting the Norwegian flag on the island. He had himself searched every atlas in the British Museum and had not found one in which the island was marked as British. He was sure that the Norwegian Government, in their

eventual reply to your note[†] of the 15th ultimo, would make it perfectly clear that they had acted in all good faith and without the slightest intention of going behind our backs.

2. Mr. Vogt then asked me whether I had any suggestion to make for solving the dispute. I replied that my Government considered that it was for the Norwegian Government if they were not satisfied with the present state of the matter, to reply to the last British communication. But it seemed to me that whether the sovereignty of the island is vested in King George or King Haakon, the Norwegian whaling industry had, by virtue of the concession granted to Mr. Rasmussen,²¹⁷ already obtained all the practical advantages attaching to the island. Mr. Vogt did not demur to this statement, but added that Mr. Rasmussen's concession being an exclusive one, his rivals in the industry would be sure to complain of being excluded. He himself was very averse to applying such heavy machinery as that provided by arbitration at the Hague or by an appeal to the League of Nations for settling a dispute of such insignificant practical importance as that involved in the question of Bouvet Island; but he was very doubtful whether his Government, after having officially annexed the island, would feel able to withdraw their claim to it. He had been turning over in his mind the possibility of the two Governments submitting the case to the opinion of some independent jurist whose impartiality could be depended upon and whose verdict might be accepted by both sides without the formalities of a regular arbitration case.

3. I replied that it seemed to me that the Norwegian Government might, without too great difficulty or loss of prestige, explain to the public here that, when they had agreed to the annexation of Bouvet Island, they had been totally unaware of the British claim and of the fact that the British Government had granted a concession in respect of the island to a Norwegian subject. As a matter of fact had the Norwegian Government been aware of these two facts, they would presumably not have annexed the island; and I could not see anything derogatory in the line of action I suggested. Moreover, it must be remembered that, though His Majesty's Government made no use of the island for over a hundred years after they annexed it, they began their negotiations with Mr. Rasmussen for a concession a good many months before the "Norvegia" hoisted the Norwegian flag; and the initiation of such negotiations showed that the British Government were prepared to make use of the island as soon as circumstances were favourable. Had the "Norvegia" arrived at Bouvet a short time later, there would have been no doubt that the British claim would have been quite unassailable.

4. Mr. Vogt replied that there was one great difficulty which the Norwegian Government would have to face if they took the line I suggested. This difficulty lay in the fact that Captain Sverdrup had hoisted the Norwegian flag on certain islands lying to the north of Canada only twenty years ago, and that the Norwegian title to these islands had never been recognised by the Canadian Government. For the last two or three years the Norwegian Consul-General in Montreal had been trying to el[icit] from that Government a definite reply regarding the Norwegian claim, but up to now he had been entirely unsuccessful. If the Norwegian Government were to give up their claim to Captain Sverdrup's discoveries, which had only been made twenty years ago, on the ground that they had not been utilised

²¹⁷ When the British government learned about the Norwegian claim to Bouvet Island, it was on the point of signing a concession that would allow the Norwegian firm of Johan Rasmussen and Co. to occupy the island for the purpose of whaling within the three-mile limit and collecting guano.

Lorsque le gouvernement britannique apprit la revendication norvégienne à l'égard de l'île Bouvet, il était sur le point de signer une concession qui aurait permis à la firme norvégienne Johan Rasmussen & Co d'occuper l'île dans le but de chasser la baleine dans la limite de trois milles et de récolter du guano.

See Voir G.H. Villiers to Benjamin Vogt, 15 February 1928, also in file aussi au dossier 1928-206-C

since the Norwegian flag was hoisted, it was difficult for them to act in precisely the opposite manner in the Antarctic and admit a claim on the plea of prior discovery when more than a hundred years had passed without that discovery being put to any practical use. I replied that I quite understood the difficulty to which Mr. Vogt referred, but I did not think an isolated island in the Antarctic could be treated on all fours with islands which might be said to belong geographically to the mainland of which the Canadian Government was in undisputed possession.

5. Mr. Vogt is returning to London on the 17th instant and will no doubt, by that time, be in full possession of his Government's views.

I have etc.,

[F.O. Lindley]

The Right Honourable Sir Austen Chamberlain, K.G., M.P.,
etc., etc., etc.

His Majesty's Principal Secretary of State for Foreign Affairs.

431.

Despatch from Secretary of State for Dominion Affairs to Secretary of State for External Affairs

Dépêche du secrétaire d'État aux Affaires des Dominions au secrétaire d'État aux Affaires extérieures

LAC/ BAC, RG 25, vol. 2667, file/ dossier 9057-A-40

Downing Street,
29 June, 1928.

No. 253

Sir,

I have the honour to state, for the information of His Majesty's Government in Canada, that the Norwegian Minister has forwarded to His Majesty's Government in Great Britain, for their information, a copy of the note addressed to the Canadian Government by the Norwegian Consul-General in Montreal on the 26th of March, 1928, regarding claims to certain islands in the Arctic off the coast of Canada which were occupied by Captain Otto Sverdrup.

2. In view of Norwegian claims in the Antarctic it would be of special interest to His Majesty's Government in Great Britain to see copies of the earlier correspondence with the Norwegian Consul General on the subject and of any reply which may be returned to the note in question.²¹⁸

I have the honour to be,

Sir,

Your most obedient
humble servant,

L.S. Amery

The Secretary of State for External Affairs [W.L.M. King].
Canada.

²¹⁸ No reply was sent to this despatch. / Aucune réponse ne fut envoyée à cette dépêche.

432.

Letter from Deputy Minister of the Interior to Under-Secretary of State for External Affairs

Lettre du sous-ministre de l'Intérieur au sous-secrétaire d'État aux Affaires extérieures

LAC/ BAC, RG 25, vol. 1521, file/ dossier 1928-691

Ottawa, July 21, 1928.

Dear Mr. Skelton:—

During 1927 an expedition known as the Putnam Baffin Island Expedition under the direction of George Palmer Putnam and under [the] auspices of the American Museum of Natural History, New York, N.Y. was organized. Before this expedition visited Baffin Island in the Northwest Territories of Canada an application was made for a Permit, and a Permit was granted under the Migratory Birds Convention, allowing Messrs. George Backeland, Robert A. Bartlett, Donald Cadzoe, L.M. Gould, Peter Heinbecker, Maurice Kellerman, Fred Limekiller, Deric Nusbaum, Robert E. Peary [Jr], David Binney Putnam and George Palmer Putnam to take specimens of migratory game, migratory insectivorous, and migratory non-game birds and their nests and eggs, in the Northwest Territories, for scientific purposes. A copy of this Permit[†] is attached. Upon the expiration of the Permit a return, as required by law, was made stating that no individual specimens were taken out with the exception of a skin of a young Blue Goose. Copy of this return[‡] is also attached.

Shortly after the expedition returned to the United States in 1927, the book "David Goes to Baffin Land" by David Binney Putnam, G.P. Putnam's Sons, New York, was published.²¹⁹ This book contains an account, from the viewpoint of 14 year old David Binney Putnam[,] of the 1927 Putnam Expedition to Baffin Island and Fox Basin. Statements made in this book have been compared and do not agree with the official return made upon the "Scientific Permit" by George Palmer Putnam on behalf of his entire expedition. The official report of this expedition shows that the skin of one young Blue Goose was brought out. Statements in the book show that members of this expedition killed numbers of protected migratory birds, such as ducks, geese and shore birds, while they were in Canadian territory. If these birds were killed by virtue of the Permit given to the expedition to take birds for scientific purposes, local officers of the law in Baffin Island would be unable to stop the killing, but the above return, would in that case, be grossly incorrect. If, on the other hand, these birds were not killed by virtue of the Permit, but were intended for consumption as food by members of the expedition, as may be inferred in several places from the context, then the killing of them was unlawful because done in closed season.

This expedition was in the field only one short season, and was not invited or sponsored by Canada. There was no reason for it not having been provisioned, and adequately, before sailing, yet the book shows that ducks were killed in the close season and that birds for which there is no open season were shot soon after Baffin Island was first reached. The law violated is the Migratory Birds Convention Act,²²⁰ which is based upon a Treaty²²¹ with the United States of which country most of the members of this expedition were nationals.

²¹⁹ David Binney Putnam, *David Goes to Baffin Land* (New York: G.P. Putnam's Sons, 1927).

²²⁰ 7-8 Geo. V (SC 1917) c. 18.

²²¹ The Convention, which was a treaty between the United Kingdom and the United States, is printed as a schedule to the Migratory Birds Convention Act, cited in the note above. La Convention, qui était un traité entre le Royaume-Uni et les États-Unis, est imprimée en tant qu'annexe à la Loi de la Convention concernant les oiseaux migrateurs, citée dans la note précédente.

The above mentioned members of this expedition also applied for and were granted Permits under the North West Game Act, authorizing them to secure specimens of mammals and non-migratory birds in the Northwest Territories during the Close Season for scientific purposes. The Permits have not been returned but under date of the 19th October, 1927¹ and the 27th April, 1928,² Mr. G. P. Putnam advised that no specimens were taken under the authority of these Permits. Reference to the book "David Goes to Baffin Land" however, discloses the fact that a number of caribou and ptarmigan were taken during the close season and used for food purposes. The Permits issued to the members of this expedition authorized them to secure specimens of mammals and non-migratory birds for scientific purposes only.

Doubtless this book will be consulted by other persons intending to visit Arctic Canada, and such persons will take very largely from this account their idea of the kind of law-free life and comportment that they may expect to enjoy in that region.

I should be glad to have you take steps to bring the unlawful activities of this expedition, as reported by a member of the expedition, to the attention of the United States Government.

Yours truly,

W.W. Cory
Deputy Minister.

O.D. Skelton, Esq., M.A., Ph.D.,
Under Secretary of State for External Affairs,
Ottawa.

433.

Letter from Acting Secretary of State, United States, to Chargé d'affaires, Legation in United States

Lettre du secrétaire d'État par intérim, États-Unis, au chargé d'affaires, légation aux États-Unis

LAC/ BAC, RG 25, vol. 1521, file/ dossier 1928-691

Copie/ Copie

[Washington, DC.] August 23, 1928

Sir:

I beg to acknowledge the receipt of your note³ of August 13, 1928, in which you bring to the Department's attention alleged infractions of Canadian laws and regulations pertaining to the protection of migratory birds by the expedition which was organized last year under the direction of George Palmer Putnam of New York and under the auspices of the American Museum of Natural History of New York for the purpose of visiting Baffin Island, in the Northwest Territories of Canada.

In reply I beg to inform you that I am transmitting a copy of your note under acknowledgment to the American Museum of Natural History for such comments as it may deem pertinent in the premises.

I need not assure you that it would be a matter of serious concern to this Government, which is a party to the Convention for the Protection of Migratory Birds and is deeply interested in the purposes thereof, should it appear that an American scientific expedition

²²² See/ Voir LAC/ BAC, RG 85, vol. 766, file/ dossier 5099.

has abused the privileges accorded it by your Government as set forth in your note under acknowledgment.

Upon the receipt of a reply from the Museum I shall not fail to communicate with you again concerning this matter.

Accept, Sir, the renewed assurances of my high consideration.

[W.R. Castle, Jr.]
Acting Secretary of State.

Mr. Laurent Beaudry,

Chargé d'Affaires ad interim of the Dominion of Can[ada]

434.

Memorandum from Chief of Biology, National Museum of Canada, to Deputy Minister of the Interior

Note du chef de la biologie, Musée national du Canada, au sous-ministre de l'Intérieur

LAC/BAC, RG 85, vol. 15, file/ dossier 20-MacMillan

[Ottawa, October 1928]

MEMORANDUM OF INTERVIEW WITH DONALD B. MACMILLAN

The following statement is based on notes set down shortly after a meeting of Dr. R.M. Anderson with Dr. Donald B. MacMillan at Sydney, Nova Scotia, 4th September, 1928. The meeting was not prearranged and Dr. and Mrs. Anderson met Commander MacMillan casually in the lobby of the Isle Royale Hotel shortly after MacMillan had finished a talk at [a] luncheon of [the] Sydney Rotary Club. There was nothing confidential about it, as Inspector C.E. Wilcox, R.C.M.P., told Anderson that he had met MacMillan on the street the same morning and had been told substantially the same story. MacMillan was apparently anxious to tell his story to some Canadian official.

MacMillan said that he seemed to be misunderstood by some Canadian authorities since his 1925 expedition. He appeared to attribute this in some degree to Commander R.E. Byrd, and while the relations of MacMillan with Byrd do not concern us particularly, MacMillan's statements seem worthy of record as a revelation of the attitude of a certain set of United States officials towards Canadian sovereignty in the Arctic.

The following covers about all of the conversation of Anderson with MacMillan:

I had some previous acquaintance with MacMillan but had not seen him for several years. After answering some questions about the work of Dr. Duncan Strong, anthropologist and zoologist of the expedition, Commander MacMillan asked if I know whether Mr. George P. Mackenzie had a paper signed by Commander Byrd²²³ while near Utah "the year the Arctic went up with Captain Bernier" (1925). He said that a secret service man in Montreal had informed him that such a paper had been signed by Byrd. I replied that I did not know, and that such a matter was the affair of the North West Territories and Yukon branch, Department of the Interior. MacMillan seemed to be very much agitated, stating that since the 1925 expedition he seemed to be misunderstood by some Canadian authorities.

²²³ No such document existed. Aucun document de la sorte n'a existé.

MacMillan explained that the United States Government had detained planes and personnel under Byrd to act with his expedition under orders from Washington, and that the naval party under Commander Byrd was not under MacMillan's direct command. MacMillan said that when making arrangements with the United States Government for his expedition in 1925 he had asked what should he do about permits from Canada to fly over and explore in that territory. Admiral Moffat, Chief of Bureau of Aeronautics, U.S. Navy, replied that no permits were needed. If they requested permits from Canada it would be acknowledging Canada's jurisdiction over the Arctic territory in question, and that the United States was not willing to do this. MacMillan said he argued that Canada was already in possession by occupation of the territory, but Moffat was adamant in his refusal, stating that his "advisers" gave him this counsel.⁴²²

The Canadian Government, according to MacMillan, sent men to Washington before the expedition started North, to enquire into matters and offer permits to the MacMillan expedition, but in Washington these men were purposely denied admission to the offices of the officials they had come to see. MacMillan commented on the courtesy always extended to American explorers by the Canadian authorities and expressed his opinion that these officials from Canada were shabbily treated.

On meeting in the Arctic, Mr. George P. Mackenzie, officer in charge of the annual Canadian patrol ship, had been most kind and courteous. He had invited Byrd to his ship and after a good dinner, Mr. Mackenzie offered to supply Byrd with a permit to fly across Canadian territory. MacMillan said: "Byrd was in a tight place. Here he was under direct orders from his chief in Washington to use no Canadian permits. He was smoking Mr. Mackenzie's good cigars and had enjoyed his hospitality, he could not openly tell his orders from Washington. So, as a gentleman and a diplomat, he said he would consult the commander of the expedition. After due time Byrd returned to tell Mr. Mackenzie it was all right, that MacMillan had already secured the permits so the one from Mr. Mackenzie was not needed." MacMillan said that he never told Byrd any such thing. The statement was "diplomacy" on Byrd's part, but MacMillan would call it a lie which had put MacMillan in the wrong light with the Canadian authorities.

Commander MacMillan further stated that Commander Byrd misrepresented his work done that summer, reporting that he had flown 6,000 miles, whereas he flew only 3,000 miles. MacMillan reported the facts in regard to this flying to the National Geographic Society in Washington and contradicted the statement of Byrd's so often that more recently Byrd was telling the truth about the 3,000 miles he flew in 1925. In his opinion Byrd was an opportunist who would not hesitate to lie and think it diplomacy if it would serve his purpose.

⁴²² The question was raised by Byrd, not MacMillan. Moffat did not seem to have any strong views of his own on the matter. He referred it to the Director of Naval Operations, who referred it to the Secretary of the Navy, who sent an inquiry to the State Department. It was MacMillan who pushed for a denial of the Canadian claim. See docs 359, 401, footnotes.

La question fut soulevée par Byrd, non par MacMillan. Moffat ne semblait pas avoir d'opinion personnelle bien arrêtée sur la question. Il la référa au directeur des opérations navales qui la renvoya au secrétaire de la Marine, qui envoya une demande au département d'Etat américain. C'est MacMillan qui exerça des pressions en faveur du refus de la revendication canadienne. Voir docs 359 et 401, notes en bas de page.

MacMillan said that he was thinking of coming to Ottawa later to straighten some things out with the Canadian authorities. He argues that it is foolish of the United States officials to protest Canadian jurisdiction in the Arctic. Since by occupation Canada has so firmly established her title, and said he would argue the matter in Washington every chance he had. He said that he would be glad to have any Canadian publications on the subject as he needed some foundation stones.²²⁵

R.M. Anderson
Chief, Division of Biology
National Museum of Canada
Department of Mines

To W.W. Cory, Esq., C.M.G.,
Deputy Minister, Dept. of the Interior
and Commissioner of the North West Territories,
Ottawa

435.

Despatch from Acting Secretary of State for Foreign Affairs to Chargé d'affaires,
Legation of United Kingdom in Norway
Dépêche du secrétaire d'État par intérim aux Affaires étrangères au chargé
d'affaires, légation du Royaume-Uni en Norvège
LAC/ BAC, RG 25, vol. 1513, file/ dossier 1928-206-C
Printed copy/ Copie imprimée

LORD CUSHENDUN TO MR. GASCOIGNE (OSLO).

Foreign Office, October 23, 1928.

(No. 456.)

Sir,

The Norwegian Minister called on me on the 16th instant to give me the views which his Government had instructed him to put forward as a sequel to the conversation which he had had recently with Sir Ronald Lindsay in regard to the ownership of Bouvet Island and other relevant matters.

M. Vogt reminded me that Sir Ronald Lindsay, in intimating that His Majesty's Government, in a spirit of friendliness and co-operation, might not be indisposed to sink their claims to Bouvet Island in favour of Norway, had said that there were two other questions which, without wishing to make them in any sense a condition, they desired nevertheless to see settled simultaneously in an amicable and satisfactory manner. The first of these concerned their desire for close co-operation between the two Governments with a view to the regulation and control of the whaling industry in southern waters by

²²⁵ Finnie's comment on this document was:

Le commentaire de Finnie sur ce document était :

It would not I think, be desirable for us to attempt to determine who is speaking the truth, Byrd or MacMillan. It is thought that as the whole matter worked out greatly to the advantage of our Government in strengthening our claim to sovereignty over the Arctic Islands, we might very well let the matter rest.

Finnie to W.W. Cory, 11 October 1929, also in file/ aussi au dossier 20-MacMillan.

international agreement, the second related to those areas in the Antarctic circle which had formed the subject of a published resolution of the Imperial Conference of 1926¹⁰ and in which, in consequence of the Australian interest in those regions, His Majesty's Government did not wish to see any annexations by foreign Powers.

After thanking me on behalf of his Government for the friendly disposition of His Majesty's Government in the matter of Bouvet Island, the Minister proceeded to deal at some length with these two cognate questions. On the first, he felt sure that his Government could give us full satisfaction, and he cited various Norwegian legislative measures directed to the preservation of the whale. While the Norwegian Government were thus already co-operating with us fully to that end they were, for the moment at least, averse from any attempt to negotiate a general international agreement, since they feared that such a course would have the effect of exciting other foreign interests to seek a share in the spoils of the industry which was at present concentrated almost entirely in British and Norwegian hands. As regards the Antarctic areas mentioned by Sir Ronald Lindsay, M. Vogt said that his Government, though understanding and fully appreciating the reason of the special interest taken by His Majesty's Government, nevertheless felt that this question should be kept quite distinct and handled separately from that of Bouvet Island with which it had no connexion whatever.

After expressing appreciation of the spirit in which the Norwegian Government were treating these questions, I told the Minister quite plainly that while His Majesty's Government, as I had already said, did not wish to establish any direct connexion between the two questions, they nevertheless felt that, in view of their readiness to relinquish all claims to Bouvet Island, they were entitled to expect, more or less simultaneously, some such assurance as would set their mind at rest on the other matter. Finding that I upheld this view despite his reiterated plea that the two questions were wholly unconnected, the Minister suddenly changed his tactics and developed a new argument which I fear may cause us some embarrassment. If, he said, there was to be some *quid pro quo* for the renunciation of the British claim to Bouvet Island, such a one might be held already to exist at the opposite extremity of the globe. There were, he continued, certain regions in the Arctic circle which were indisputably Norwegian by priority of discovery – discovery [of a date] much more recent than that of the British discovery of Bouvet Island – where the Canadian Government were exercising some sort of administrative authority. I replied that this was a wholly different matter and one which I thought should not be in any way connected with the present discussion. M. Vogt stuck to his point, however, with some tenacity.

On my terminating the interview by repeating my conviction that the Norwegian Government, animated by the same friendly spirit as inspired [—] His Majesty's Government in the matter of Bouvet Island, would be pleased on reconsideration to offer us the assurances which we desired in regard to the areas mentioned in the Imperial

Conference proceedings. M. Vogt undertook to consult further with his Government and promised to resume the discussion at a later date.²²⁷

I am, &c.

Cushendun.

436.

Note from Secretary of State, United States, to Minister in United States

Note du secrétaire d'État, États-Unis, au ministre aux États-Unis

LAC/ BAC, RG 25, vol. 1521, file/ dossier 1928-691

Copy/ Copie

[Washington, DC,] October 27, 1928.

Sir:

I have the honor to refer to Mr. Beaudry's note No. 119, dated August 13, 1928, in regard to alleged infractions of Canadian laws and regulations pertaining to the protection of migratory birds by the expedition which was organized last year under the direction of Mr. George P. Putnam of New York and under the auspices of the American Museum of Natural History of New York for the purpose of visiting Baffin Land, in the Northwest Territories of Canada.

The American Museum of Natural History has informed the Department that it regrets exceedingly that the facts set forth in Mr. Beaudry's note are substantially correct but that the violations were committed unwittingly by Mr. Putnam and the members of his expedition.

In his report to the American Museum of Natural History concerning this matter, Mr. Putnam stated that the members of his expedition killed four blue geese and a number of game animals for food. He stated that it was found impossible to preserve the skins of three of the blue geese which were therefore discarded before leaving Baffin Land. Mr. Putnam stated that he was under the misapprehension that the report which he was required to submit to your Government was to cover only the birds whose skins were brought back as specimens and that he therefore included in his letter only the one skin which was actually brought out of Baffin Land. Mr. Putnam declared that this misapprehension on his part also

²²⁷ Vogt subsequently met with Sir Ronald Lindsay on 14 November 1928. Vogt read out two memoranda stating Norway's willingness to co-operate in the conservation of whales in Antarctic waters and to refrain from occupying land in the areas referred to in the resolution of the 1926 Imperial Conference. After reiterating that the British action had no formal conditions attached, Lindsay withdrew his government's claim to Bouvet Island. He then emphasized that the British still attached great importance to the issue of whaling regulations and to the avoidance of any foreign claims in the Antarctic sectors claimed by the United Kingdom. The Sverdrup Islands were not mentioned, but British officials assumed that logically Norway must cease to pursue this claim.

Vogt par la suite rencontra sir Ronald Lindsay le 14 novembre 1928. Vogt lut deux notes indiquant la volonté de la Norvège de coopérer à la conservation des baleines dans les eaux de l'Antarctique et de limiter son occupation de terres dans les régions décrites dans la résolution de la conférence impériale de 1926. Après avoir réitéré que l'action britannique n'avait aucune condition officielle s'y rattachant, Lindsay retira la revendication de son gouvernement de l'île Bouvet. Il insista ensuite sur le fait que les Britanniques attachaient toujours une grande importance à l'enjeu des règlements concernant la chasse à la baleine et à éviter toute revendication étrangère dans les secteurs de l'Antarctique revendiqués par le Royaume-Uni. Les îles Sverdrup ne furent pas mentionnées, mais les responsables britanniques ont assumé que logiquement la Norvège devait cesser de poursuivre sa revendication.

See/ Voir Amery to King, 21 November 1928, also in file/ aussi au dossier 1928-206-C.

was the cause of his having made no return covering the birds and animals which were shot for food and whose skins he made no effort to preserve or bring out with his expedition.

Mr. Putnam stated that, with respect to his expedition's violation of the law in having killed animals and birds for food during the closed season and having killed certain game for which there is no open season, he now realizes that he should have familiarized himself with the Canadian Game Laws. He added that the only circumstance which might tend to extenuate this regrettable oversight is that the natives of Baffin Land apparently kill whatever game they desire for food. He added that he did not mean to imply by this that the natives' violation of the law is a satisfactory explanation of his expedition's having done so but that he referred to it merely as one of the circumstances which caused him to overlook the matter of the application of the Canadian Game Laws to Baffin Land.

Mr. Putnam earnestly assured the American Museum of Natural History that there was no intentional violation of the law and that he had made no effort to keep the activities of his expedition secret. As evidence of this, he referred to the official report²²⁹ of his expedition, published in the January 1928 number of the "Geographical Review" in which was made the following statement:

"Two days of hunting bagged six caribou in our larder, periodically supplemented with duck, snipe and ptarmigan." (p. 18) ...

"For the first marsh at the base of the highlands ... we are suggesting the name 'Blue Goose Prairie'. There the junior member of the party, David Binney Putnam, contrived to kill four of these extraordinarily shy geese."²³⁰

A copy of Mr. Putnam's official report, reprinted from the "Geographical Review" of January 1928, is enclosed for your information.

In transmitting the foregoing statements to the American Museum of Natural History, Mr. Putnam particularly emphasized the fact that the fault and responsibility for these violations of the Canadian Game Laws are entirely his and that the American Museum of Natural History is in no wise to be blamed. He stated that, as a matter of fact, the Baffin Land expedition was essentially geographic, and no member of the staff of the American Museum of Natural History accompanied it.

The American Museum of Natural History has informed us that Mr. Putnam is a gentleman of the highest character and that they are convinced that he would not wittingly have given cause for complaint on any account. They added that Mr. Putnam plans to go to Ottawa at an early date for the purpose of expressing in person his extreme regret over this unfortunate incident.²³⁰

Accept, Sir, the renewed assurances of my high consideration.

For the Secretary of State [Frank Kellogg]:
[W.R. Castle, Jr.]

The Honorable Vincent Massey,
Minister of the Dominion of Canada.

²²⁹ "The Putnam Baffin Island Expedition," *Geographical Review*, vol. 18, no. 1 (January 1928), pp. 1-40.

The second quotation is also from p. 18. La deuxième citation est aussi de la p. 18.

²³⁰ Putnam attended a meeting of the Advisory Board on Wildlife Protection on 10 December 1928 and formally apologized for his actions. Putnam assista à une réunion du Conseil consultatif sur la protection de la faune le 10 décembre 1928 et s'excusa formellement de ses actions.

See/ Voir Gibson to Skelton, 4 February 1929, also in file/ aussi au dossier 1928-691

437.

Letter from Acting Deputy Minister of the Interior to Under-Secretary of State for External Affairs

Lettre du sous-ministre de l'Intérieur par intérim au sous-secrétaire d'État aux Affaires extérieures

LAC/ BAC, RG 25, vol. 1513, file/ dossier 1928-206-C

Ottawa, 17th December, 1928.

Dear Dr. Skelton,—

I have read with interest the copies of despatches²³¹ exchanged between the Foreign Office and His Majesty's representative at Oslo, relative to the sovereignty of Bouvet Island.

These despatches are of great interest to us because of the reference by the Norwegian Minister to his Government's claim to certain of our Arctic islands. You will note that on Page 2 of the confidential despatch No. 456, Lord Cushendun expresses the view that the Norwegian contention in this connection "may cause us some embarrassment", and again on Page 3 of the despatch, the Norwegian Minister is quoted as saying that "there were certain regions in the Arctic circle which were indisputably Norwegian by priority of discovery", obviously referring to Axel Heiberg Island, and again later on in the same paragraph Lord Cushendun states that in reply to his contention that the matter of sovereignty in the Arctic and Antarctic were wholly different questions, "Mr. Vogt stuck to his point, however, with some tenacity," that is to say, the Norwegian Minister apparently was in the mood to consider the abandonment, on behalf of his Government, of their claim to any of our Arctic islands in consideration of His Majesty's Government withdrawing all claims to Bouvet Island.

From the subsequent despatches it appears that it was thought desirable to withdraw any claim to Bouvet Island as an act of grace and to rely on the good will that such action would be likely to inspire, to move the Norwegians to reciprocate and give the assurances which His Majesty's Government desires. The actual assurances that were asked however, were with respect to other matters in the Antarctic, and the whole matter was concluded without seemingly further reference to the Norwegian claim to Axel Heiberg.

In discussing this with you over the telephone, I gather that you have received additional despatches²³² which you purpose bringing to the attention of the Advisory Board on northern matters so I have noted these particular papers to receive consideration at the meeting, which will be arranged any day you are ready.

Yours very truly,

R.A. Gibson

Acting Deputy Minister.

O.D. Skelton, Esq., Ph.D., M.A.,

Under-Secretary of State for External Affairs,
Ottawa.

²³¹ Docs 430, 435.

²³² No meeting of the Northern Advisory Board was held before Eivind Bordewick contacted the Prime Minister on behalf of Sverdrup in May 1929.

Aucune réunion du Conseil consultatif du Nord n'a eu lieu avant qu'Eivind Bordewick eut communiqué avec le premier ministre au nom de Sverdrup en mai 1929.

PART FIVE/ CINQUIÈME PARTIE

1929-1939

438.

Memorandum by Eivind Bordewick

Note d'Eivind Bordewick

LAC/BAC, RG 25, vol. 2667, file/ dossier 9057-A-40

Montreal, May 7th, 1929.

With reference to the enclosed letter, dated 22nd April from Commander Otto Sverdrup, addressed to Hon. W.L. Mackenzie King, L.D. Prime Minister for Canada.

In order to avoid misunderstandings, I wish to make some remarks in connection with certain phrases in Commander Sverdrup's letter.

I understand that the Norwegian Government has not up to the present time laid any official claim to the sovereign rights to the islands discovered by Commander Sverdrup.

As far as I understand, Norway has several years ago approached Canada, with the view to obtaining Canada's attitude with regard to the sovereignty of these islands.

There are also other statements in Commander Sverdrup's letter which might have been worded in another way, but I suppose I may be given an opportunity to discuss the matter verbally, and I could then give an expression of my personal viewpoint.

When I have found it desirable to make this Memo of my own, it is to prevent that certain phrases used by Commander Sverdrup in his letter should prejudice his claim.

I have the honour to be,

Sir,

Your obedient Servant,

Eivind Bordewick.

Enclosure 1: Letter from Otto Sverdrup to Prime Minister
Pièce jointe 1: Lettre d'Otto Sverdrup au premier ministre

Hon. W.L. Mackenzie King, L.D.
Prime Minister for Canada,
Parliaments Buildings, Ottawa.

Sir,

I have the honour to state that it has been brought to my notice that the Canadian Government are desirous of obtaining full and undisputed possession of all the territories and islands, discovered, explored and mapped by me in the region between 76° and 81° 40' North Latitude and 76° and 107° West longitude, an area of about 100,000 square miles during the Norwegian second Arctic expedition from 1898 to 1902 in the polar ship "Fram" under my command.

I venture, however, to point out that the Norwegian Government have laid claim to the sovereign rights of the territories above-mentioned,¹ but I would state that as a result of

¹ See/ Voir doc. 339.

² No such claim had ever been made. Aucune revendication de la sorte n'avait jamais été faite.

negotiations with the Norwegian Government these rights will be definitely relinquished should I at any time so desire.³ As no claim in this connection can be made other than by myself it follows that Canada will enter into full and undisputed possession the moment my claim is dropped, in which case, I am precluded from seeking compensation from the Norwegian Government for my services rendered in connection with the expedition.

As soon as the amount of compensation has been agreed upon I bind myself to obtain by telegraph a satisfactory declaration from the Norwegian Government that the Kingdom of Norway waives all claim to the territories aforesaid.

I therefore venture to approach you in this matter of compensation and to inform you that as circumstances prevent my appearance in person I have, with the approval of the Norwegian Foreign Department entrusted my case to the care of Mr. Eivind Bordewick, General Agent for Norway for the Canadian Pacific Railway Company, who holds my power of attorney to negotiate on my behalf and to decide upon and to receive the amount of compensation necessary to settle the matter finally.

In connection herewith I beg to refer to the following reports, statements and scientific books, which Mr. Bordewick will hand over to you, viz:

1. Summary of Reports of my explorations of the said lands during the period 1898 to 1902.⁴
2. My own Statement,† headed "The natural resources of the Sverdrup Islands and the surrounding waters. Measures to prevent the extermination of animal life – to prevent a

³ Following the British recognition of Norwegian sovereignty over Bouvet Island, on 15 April 1929 the Norwegian Ministry of Foreign Affairs had written to Sverdrup saying he was free to approach Canada with a request for compensation, and Norway would recognize Canadian sovereignty if a financial agreement satisfactory to Sverdrup was reached, but this "would only be possible on the condition that if the Sverdrup Islands were opened for commercial activities, the rights of Norwegian citizens in such endeavours would have to be secured." Sverdrup and Bordewick never mentioned the condition regarding commercial rights in any of their communications or discussions with Canadian officials.

Suite à la reconnaissance britannique de la souveraineté norvégienne sur l'île Bouvet, le 15 avril 1929 le ministère des Affaires étrangères norvégien avait écrit à Sverdrup en lui disant qu'il était libre de faire des démarches auprès du Canada pour demander une compensation et que la Norvège reconnaîtrait la souveraineté canadienne si un accord financier satisfaisant pour Sverdrup était obtenu, mais ceci « uniquement à la condition que, si les îles Sverdrup étaient ouvertes à des activités commerciales, les droits des citoyens norvégiens dans de telles entreprises soient protégés ». Sverdrup et Bordewick ne mentionnèrent jamais la condition concernant les droits commerciaux dans aucune de leurs communications ou discussions avec les représentants canadiens.

See: Voir Thorleif Tobias Thorerliffson, "Norway 'Must Really Drop Their Absurd Claims Such as That to the Otto Sverdrup Islands.'" *Bi-Polar International Diplomacy: The Sverdrup Islands Question, 1902-1930*, "Master's thesis, Simon Fraser University, 2006, p. 65.

For the British response to the raising of the Sverdrup Islands issue once again by Norway, see doc. 440 and doc. 452, minute by P.A. Clutterbuck. En ce qui concerne la réponse de la Grande-Bretagne au sujet du fait que la Norvège avait soulevé une fois encore l'enjeu des îles Sverdrup, voir doc. 440 et doc. 452, note de P.A. Clutterbuck.

⁴ *Commander Otto Sverdrup's Explorations in 1898-1902* (Oslo: Wittusen & Jensen, 1928).

This small booklet (which was likely printed at Sverdrup's own expense) stated that in his earn notes, Sverdrup had proclaimed Norwegian sovereignty over his new discoveries, plus North Kent Island, Graham Island, and the southwestern part of Ellesmere Island, which he called King Oscar Land (pp. 7, 12). On these notes, see doc. 332, footnote, and doc. 343, enclosure and footnotes.

Ce petit cahier (qui fut probablement imprimé aux frais de Sverdrup) indique que dans les notes de ses earns, Sverdrup avait proclamé la souveraineté norvégienne sur ses nouvelles découvertes, de plus sur l'île North Kent, l'île Graham et la partie sud-ouest de l'île d'Ellesmere qu'il appelait la terre du King Oscar (p. 7, 12). En ce qui concerne ces notes, voir doc. 332, note en bas de page, et doc. 343, pièce jointe et notes en bas de page.

repetition of the fate which has overtaken most other arctic regions. Navigation facilities in these islands."

3. Report of the second Norwegian Arctic Expedition in the "Fram" in English - 36 treati[s]es - 4 volumes, issued during the period 1904 to 1919 by the Society of Science in Oslo, Norway.⁵

4. Geogr. Journal 1903, Vol. 22 London.⁶

5. New Land - Four Years in the Arctic regions together with numerous maps, by Commander Otto Sverdrup, in 2 volumes.⁷

I venture to suggest that a study of the information specified above and a reference to the many favourable opinions of eminent men, competent to speak of my work, will give a true idea of the scope, importance and value of the work done by my Expedition during the years 1898 to 1902.

When the matter has been finally settled, I shall be happy to place my personal knowledge and experience at the disposal of the Canadian Government for purposes of further developments.

The satisfactory accomplishment of the discovery of these lands and the thorough exploration and mapping of an hitherto white spot on the surface of the globe was entirely due to the very modern equipment of my expedition and, not least, to the happy choice of its gallant members, scientists, officers and crew. I consider it a great privilege and honour to have been the medium of making these discoveries and of being able to continue the work begun years ago by great explorers like Ingfield, Nares, Belcher and Greely.

I beg to add that the four years exploration of the so called Sverdrup Islands has taken the prime of the strength of the power of my life, and as this struggle and work hitherto has not given me any pecuniary return, I venture to hope that your Government will meet my wishes in connection with the cession of these lands to Canada, on the condition that a suitable compensation is paid to me.

I therefore trust that you will receive my representative Mr. Bordewick, in a friendly way, and that my case will meet with your sympathetic and practical consideration.

I have the honour to be,

Sir,

Your obedient Servant,

Otto Sverdrup

Oslo, April 22, 1929.

Report of the second Norwegian Arctic Expedition in the "Fram", 1898-1902. Published by Videnskabs-selskabet i Kristiania, at the expense of the Leivert-Nansen Fund for the Advancement of Science, 4 vols (Kristiania: T.O. Brøgger, 1907-1919).

Otto Sverdrup, "The Second Norwegian Polar Expedition in the 'Fram,' 1898-1902," *Geographical Journal*, vol. 22, no. 1 (July 1903), pp. 38-56; P. Scher, "Summary of Geographical Results," *ibid.*, pp. 56-65.

Otto Sverdrup, *New Land: Four Years in the Arctic Regions*, trans. Ethel Harriet Hearn, 2 vols (London: Longmans, Green, 1904). The copy provided by Sverdrup is now in the Louis Léger Papers, Global Affairs Canada / La copie fournie par Sverdrup se trouve maintenant dans la bibliothèque Louis Léger, Affaires mondiales Canada.

Enclosure 2: Letter from Fridtjof Nansen to Prime Minister
Pièce jointe 2 : Lettre de Fridtjof Nansen au premier ministre
Copy/ Copie

Lysaker April 20th, 1929

Dear Mr. Mackenzie King,

My good friend Capt. Otto Sverdrup is making a proposal to the Canadian Government concerning the islands discovered and explored by him in the years 1898-1902 in the Canadian Arctic Archipelago. I venture to give Capt. Sverdrup my warmest recommendation. He has done excellent work, and the survey of these islands and scientific research carried out there is an unusually fine piece of exploration, which has given very important results in a great many different branches of science.

Believe me, my dear M. Mackenzie King, I am always yours very sincerely,

[Fridtjof Nansen]

Hon. W.L. Mackenzie King, L.L.D.,
Prime Minister for Canada,
Parliaments Buildings, Ottawa, Canada.

439.

Letter from Premier of Ontario to Prime Minister
Lettre du premier ministre de l'Ontario au premier ministre
LAC/ BAC, RG 25, vol. 2667, file/ dossier 9057-A-40
Copy/ Copie

Toronto, May 9, 1929.

Personal

Dear Mr. King:

Many thanks for so promptly replying to my wire† when I asked for an appointment on behalf of Mr. Bordewick whom I met in Oslo, Norway, last year. He is the C.P.R. representative there and has a good deal to do with promoting migration. I learned while there that he stands very close to the Government. He told me something of his mission. It appears that some celebrated Norwegian explorer discovered some lands in the Arctic regions. They are so isolated from the rest of Norway that apparently the Norwegian Government does not want to assume responsibility for the exploration although they claim to own them as a result of his discovery. He is desirous of discussing with you the possibility of Canada paying the cost of the exploration. I do not know what it amounts to, but from what he says, he regards it as a moderate sum. The Norwegian Government are prepared to relinquish all claim. The money is for the benefit of the explorer and the men who took part in the expedition, most of whom are in very straitened circumstances.

I thought it would not be amiss for you to have this rough outline before seeing Mr. Bordewick.

May I again express my appreciation of your courtesy to one who was exceedingly kind to me and made available to me opportunities for securing much information when I was in Norway.⁸

Yours sincerely,

[G.H. Ferguson]

The Rt. Hon. W.L. Mackenzie King,
Prime Minister of Canada,
Ottawa, Ontario.

440.

Minutes of meeting of Interdepartmental Committee on the Antarctic
Procès-verbal de réunion du Comité interministériel sur l'Antarctique
TNA, DO 114/34

Printed copy/ Copie imprimée

[London]

The 15th Meeting of the Interdepartmental Committee on the Antarctic [] was held in the Conference Room of the Colonial Office at 3.30 p.m., on the 13th May, 1929. Sir H. Batterbee was in the chair and there were also present:-

H.R.H. Prince George,
Mr. Leeper,
Major Casey,
Mr. Crabb,
Captain Edgell (representing Admiral Douglas),
Mr. Collier,
Mr. Darnley, for Items II and III,
Mr. Borley,
Mr. Moss Blundell, for Items II and III,
Mr. Thomson,
Mr. Clutterbuck.

[...]

II. *Jan Mayen Island.*

This Island, which lies between Iceland and Spitzbergen, was formally annexed by the Norwegian Government by Royal Decree on the 8th May, and a memorandum⁹ on the subject had been circulated by the Foreign Office. Mr. COLLIER explained that there were undoubtedly good Norwegian claims to the Island but, unfortunately, it was stated to have been annexed because of the meteorological station established there, and this opened up two aspects of considerable importance. In the first place the Norwegians appeared to be adopting a policy of claiming any territory they could in any part of the world on any grounds that might occur to them; that they had no regard for consistency was shown by the fact that in this instance they claimed that occupation gave a better title than discovery, while in the case of the Otto Sverdrup Islands they were apparently contending that

⁸ Bordewick was given an appointment with Skelton, not with the Prime Minister, on or before 16 May. Bordewick then had a rendez-vous avec Skelton, et non avec le premier ministre. Le 16 mai on avait cette date.

See: Voir King to Ferguson, 16 May 1929, also in file aussi au dossier 9057-A-40.

discovery gave a better title than occupation. Secondly, although the case could be differentiated from that of the South Orkneys[,] there were certain similarities which might give a stimulus to the Argentine claim.⁹ Subject to any views the Committee might have as to this, he was inclined to think that the best course would be to tell the Norwegian Government that we observed that they were apparently adopting the policy of staking out claims all over the world; that the last example of this policy was the annexation of Jan Mayen Island, that with regard to this Island there were certain grounds on which we could make trouble if we wanted to; we should prefer not to raise them but if we were not to do so they must really drop their absurd claims such as that to the Otto Sverdrup Islands. Sir H. BATTERBEE said that there was much to be said for this course of action but that it would, of course, be necessary first to obtain the concurrence of the Canadian Government. Mr. LEEPER observed that we had at present no knowledge of what stage the negotiations between Canada and Norway as to the Otto Sverdrup Islands had reached, and he suggested that before definitely deciding to use or to recommend to Canada the use of the Jan Mayen case as a pawn in these negotiations, we should first ascertain through Sir William Clark what exactly was the present position. The Committee agreed generally to the action proposed by Mr. Leeper and Mr. Collier, Mr. Darnley explaining that in the event of the Argentine Government quoting the case it would be easy for us to point out that circumstances in the South Orkneys were not parallel. For instance, the South Orkneys were British by discovery; Letters Patent formally annexing them had been issued in 1908¹⁰ and had been acknowledged without comment by the Argentine Government; since that date the British Government had constantly performed acts of sovereignty in respect of the Islands both by the grant of whaling licences and otherwise, and finally a supervising officer was periodically sent down to the Islands by the Falklands Government. It was agreed, however, at the suggestion of Mr. Leeper, that in the event of action being taken as proposed, the note to the Norwegian Government should be so drafted as to make it clear that, while we did not propose to raise objection to the Norwegian annexation, we did not admit the grounds on which their claim was based.

[...]

⁹ On the Argentine meteorological station on Laurie Island in the South Orkneys, see: *En ce qui concerne la station météorologique argentine sur l'île Laurie dans les Orcades du Sud*, voir John R. Dudeney and David W. H. Walton, "From *Scottia* to 'Operation Tabarin': Developing British Policy for Antarctica," *Polar Record*, vol. 48, no. 247 (October 2012), pp. 342-360, especially en particulier pp. p. 342-346.

¹⁰ "British Letters Patent appointing the Governor of the Colony of the Falkland Islands to be Governor of South Georgia, the South Orkneys, the South Shetlands, the Sandwich Islands, and Graham's Land, and providing for the Government thereof as Dependencies of the Colony," *British and Foreign State Papers*, vol. 101 (London: His Majesty's Stationery Office, 1912), pp. 76-77.

441.

Telegram from Secretary General, Ministry of Foreign Affairs, Norway, to Eivind Bordewick

Télégramme du secrétaire général, ministère des Affaires étrangères, Norvège, à Eivind Bordewick

LAC/BAC, RG 25, vol. 2667, file/dossier 9057-A-40

Copy/ Copie

Oslo, 22nd May, 1929

Bordewick, Chateau Laurier, Ottawa, Ont.

Present Government willing cede sovereignty but new unwilling therefore definite arrangement payment soonest necessary.

[Esmarch]

442.

Code Telegram (Paraphrased) from Secretary of State for Dominion Affairs to High Commissioner of United Kingdom

Télégramme codé (paraphrasé) du secrétaire d'État aux Affaires des Dominions au haut-commissaire du Royaume-Uni

TNA, DO 114/34

Printed copy/ Copie imprimée

[London, 29 May 1929]

Secret. No. 133.

My despatch to Canadian Government No. 253, 29th June, 1928, Jan Mayen Island, which lies between Iceland and Spitzbergen, has recently been annexed by the Norwegian Government. Though British by discovery the Island has hitherto been regarded as *terra nullius*. Though not admitting the grounds on which the Norwegian claim is based we are not disposed to raise objection to the annexation, but it occurs to us that in return for our acquiescence it might be possible to insist on abandonment of extravagant Norwegian claims in other parts of the world, e.g., the claim to the Otto Sverdrup Islands. It would be necessary, of course, to consult His Majesty's Government in Canada before action could be taken in this sense, but before deciding to approach the latter on this point, we should prefer to be more certain of the situation in regard to the discussions between Canada and Norway over the Otto Sverdrup Islands as to which no reply to my despatch under reference has been received. If this issue is still a live one the Canadian Government may welcome the above suggestion as a means of terminating the discussions, if, however, the Norwegian claim to the Otto Sverdrup Islands may be regarded as withdrawn, it may not be worth while to put the suggestion forward. We should, therefore, be glad if without disclosing our motive you could ascertain from Canadian Government whether there has been any further correspondence on this matter subsequent to the note of 26th March, 1928, from the Norwegian Consul-General in Montreal and, if so, what is the present position of the discussions. In the meantime a copy of a despatch¹¹ from His Majesty's Minister [in Oslo] as to a debate in the Norwegian Parliament is being sent to the Canadian Government by mail, and the opportunity is being taken to ask the Canadian Government officially as to the present position with regard to the discussions referred to above. Letter¹² follows by mail.

[Leo Amery]

¹¹ Doc. 444, enclosure pièce jointe.

443.

Despatch from Secretary of State for Dominion Affairs to Secretary of State for External Affairs

Dépêche du secrétaire d'État aux Affaires des Dominions au secrétaire d'État aux Affaires extérieures

LAC/BAC, RG 25, vol. 1370, file/ dossier 1929-725

Downing Street,
30 May, 1929.

No. 307

Confidential.

Sir,

I have the honour to transmit for the information of His Majesty's Government in Canada, the accompanying copies of despatches[†] from His Majesty's Minister at Oslo, regarding the recent hoisting of the Russian flag on Franz Joseph Land in pursuance of the decree issued by the Presidium of the Central Executive Committee of the Union of Soviet Socialist Republics dated 15th April, 1926, declaring the Lands and Islands lying between the North Coast of Russia and the North Pole to be territories of the Soviet Union.

2. An oral request was recently made by the Norwegian Legation in London that the Norwegian Government might be informed of the attitude which His Majesty's Governments in the United Kingdom and in Canada intended to adopt towards this action. In view of the considerations adduced in a Foreign Office memorandum, of which a copy is enclosed, it is considered preferable that no reply should be returned to this enquiry by His Majesty's Government in the United Kingdom. A copy of a despatch, which has accordingly been addressed to His Majesty's Minister at Oslo, is enclosed, and I should be glad to learn whether His Majesty's Government in Canada share the views set out therein.

3. Additional interest attaches to the enquiry of the Norwegian Legation in view of the discussions between Canada and Norway as to the Otto Sverdrup Islands. In this connection I would invite reference to my confidential despatch No. 308 of today's date.

I have the honour to be,

Sir,

Your most obedient,
humble servant,

L.S. Amery

The Secretary of State for External Affairs [W.L.M. King],
Canada.

Enclosure 1: Despatch from Secretary of State for Foreign Affairs to Minister of United Kingdom in Norway

Pièce jointe 1 : Dépêche du secrétaire d'État aux Affaires étrangères au ministre du Royaume-Uni en Norvège

Copy/ Copie

Foreign Office, S.W. 1.
24th April, 1929.

No. 168.

Confidential.

Sir,

With reference to your despatch¹² No. 23 of January 19th last I transmit herewith a copy of a memorandum prepared in this department on the subject of the claims of the Soviet Government in the Arctic zone.

2. It has been decided that it would be preferable for His Majesty's Government in the United Kingdom to take no action in response to the enquiry of the Norwegian Government as to their attitude towards the Soviet claims. You should therefore abstain from making any statement on the question unless the Norwegian Government approach you with a request for the views of His Majesty's Government. In that case you are authorised to reply that as far as you are aware, His Majesty's Government in the United Kingdom are not disposed at present to take any action in the matter.

I am, etc.

(For the Secretary of State
[Austen Chamberlain])
[A.W.A. Leeper]

The Honourable Sir Francis Lindley, K.C.M.G., C.B.

etc., etc., etc.

Oslo.

Enclosure 2: Memorandum by Foreign Office

Pièce jointe 2 : Mémoire du Foreign Office

Copy/ Copie

On April 15th, 1926 the Soviet Government issued a decree¹³ claiming as Russian territory all islands and lands, known or unknown, lying within that portion of the Arctic Ocean which is bounded on the South by the Russian Coast and on the east and west by meridians drawn from the North Pole to the Behring Strait and the Russo-Norwegian boundary respectively. The Soviet Government communicated this decree to His Majesty's Government, and also to the Norwegian Government (in May 1926) stating that the portion of Spitzbergen already recognised by treaty as Norwegian was excluded from the decree.

The Norwegian Legation recently informed the Foreign Office that the Soviet flag had been hoisted over Franz Josef Land and that the Norwegian Government were anxious to know what attitude His Majesty's Government and the Canadian Government intended to adopt towards this action. The Czechoslovak Legation have also enquired as to our attitude

¹² Doc. 416, enclosure/ pièce jointe 2.

¹³ Doc. 423, enclosure/ pièce jointe.

The 1926 decree was discussed in a memorandum presented to the Imperial Conference in 1926 and in the report (E.130) of the "Antarctic Policy" Committee of the Conference. In the memorandum it is stated that the Soviet Government supported their claim to all lands up to the Pole by an appeal to the Russo-American Treaty of 1867, and that the Canadian Government appealed to the same treaty in support of their claim to all land up to the Pole within certain meridians. It was agreed at the Imperial Conference that having regard to the Canadian claim and to our policy in the Antarctic it would be desirable to take no action. When the respective claims of Great Britain and Norway to Bouvet Island were being discussed recently, the Norwegian Government threatened to raise the question of the Otto Sverdrup Islands, which lie North of the Canadian mainland, and which H.M.G. in Canada, in accordance with their Arctic policy, claim as theirs although they were discovered and occupied¹⁴ by Norwegians.

Put very shortly, we are in something of a dilemma. As Mr. Amery explained to the Imperial Conference Committee on British policy in the Antarctic at its first meeting (November 10th, 1926)¹⁵ "the interpretation placed upon the Russo-American Treaty of 1867 by the Soviet Government had been adopted by the Canadian Government and endorsed in the past by this country. The principle of claiming all land within defined sectors had already been definitely enunciated in connexion with the Falkland Islands and Ross Dependencies and had not been challenged by other Powers". By protesting against the argument on which the Russian claim is based we might be held to weaken the Canadian claim to Axel Heiberg Land and neighbouring territory (the Ringnes I^{les}) which was first explored by Sverdrup's Norwegian expedition in 1900-2 and which both Norway and the United States are known to covet.

On the other hand, by accepting the Soviet argument we might conceivably stimulate other Powers (the Argentine; Chile; Norway (qua sovereign of Bouvet Island); France (qua sovereign of Kerguelen and the Crozet Islands)) to proclaim their annexation of Antarctic regions to which they are the nearest neighbours.

The Antarctic Committee of the Imperial Conference when informed of the note of the Soviet Charge d'Affaires communicating copy of the decree, decided that the most satisfactory course would be to take no action. Their decision was largely determined by the precedent of the letters patent of 1917 relating to the Falkland Islands Dependencies and the Ross Dependency Order in Council of 1923. Against neither of these had any foreign Power raised any protest and we are anxious to consider such absence of protest as constituting acquiescence. No doubt a similar absence of protest will be so considered by the Soviet Government in the case of Franz Josef Land but we are precluded by our attitude in regard to the Falkland Island[s] Dependencies and Ross Dependenc[y] from raising the question. Further, the Soviet Government has since its decree of 1926 strengthened its claim to Franz Josef Land by hoisting the Soviet flag there in September, 1928, and a month ago it was stated that the Soviet Government have announced that Franz Josef Land will be administered by the government of Archangel.

It therefore seems rather late (though perhaps not too late) for His Majesty's Government to think of protesting against the action of the Soviet Government. The chief reason for protest would be the considerations adduced by the Air Ministry in their letter² of 28th November, 1928, who point out that the regions included in the territories annexed by the Soviet Government may in future be of great value as lying on the shortest routes to various destinations in the East. One ground on which we might contest Soviet action

¹⁴ There was never any Norwegian occupation of the Sverdrup Islands./ Il n'y eut jamais aucune occupation norvégienne des îles Sverdrup.

¹⁵ See/ Voir TNA, CAB 32/51.

would be that Franz Josef Land, though discovered by an Austrian Expedition in 1872 [1873], was subsequently explored in 1881, 1882 and 1894 by Englishmen, but this ground is not a strong one for contesting Soviet claims, and such an argument if we employed it for that purpose, might be used against us in regard to Antarctic territories explored by Frenchmen, Norwegians, Americans and others.

Unless, therefore, imperative reasons of national interest demand that the Soviet claim should be actively contested, it would seem to be in the interest of our position in the Antarctic that we should maintain silence on the subject. There would obviously be no advantage in openly admitting the Soviet claim, and, apart from the fact that this is totally unnecessary, such an admission would very probably displease the Norwegians, who are very much inclined to question this claim. On the other hand, it would, as discussion has shown, be dangerous actively to oppose the claim, for it might have bad effects on our position in the Antarctic.

The Foreign Office suggest, therefore, that no pronouncement should be made at present one way or the other in regard to the action of the Soviet authorities, and would be glad to know the Antarctic Committee's views of the whole question.

444.

Despatch from Secretary of State for Dominion Affairs to Secretary of State for External Affairs

Dépêche du secrétaire d'État aux Affaires des Dominions au secrétaire d'État aux Affaires extérieures

LAC/ BAC, RG 25, vol. 2667, file/ dossier 9057-A-40

Downing Street,
30 May, 1929.

No. 308

Confidential.

Sir,

With reference to my despatch No. 253 of the 29th June, 1928, I have the honour to transmit, for the information of His Majesty's Government in Canada, the accompanying copy of a despatch from His Majesty's Minister at Oslo, reporting on a recent debate in the Storting, in which reference was made to negotiations between Canada and Norway regarding the Otto Sverdrup Islands.

2. In view of the importance attaching to these discussions and their possible effect on Norwegian claims in other parts of the world[,] His Majesty's Government in the United Kingdom would greatly appreciate any information as to the progress of the discussions and the attitude adopted by His Majesty's Government in Canada in the matter. In this connection I would invite reference to my Confidential despatch No. 307 of today's date regarding recent developments concerning Franz Joseph Land.

I have the honour to be,
Sir,
Your most obedient,
humble servant,
L.S. Amery

The Secretary of State for External Affairs [W.L.M. King].
Canada.

Enclosure: Despatch from Minister of United Kingdom in Norway to Secretary of State for Foreign Affairs

Pièce jointe : Dépêche du ministre du Royaume-Uni en Norvège au secrétaire d'État aux Affaires étrangères

Copy/ Copie

British Legation, Oslo.

22nd March, 1929.

No. 100.

Sir,

With reference to my despatch† No. 82 of the 10th instant, I have the honour to report that a debate of some interest took place in the Storting on the 18th instant when the proposal to grant the sum of twenty thousand Kroner for scientific and other work in the Arctic Regions and fifteen thousand Kroner for the same objects in East Greenland came before that body. After a member of the Peasants' Party and a Socialist representative had regretted that it was not possible to spend more money than was proposed for the objects in view, and other speakers had made observations which it is not worth reporting, the Prime Minister replied in a speech of some length on the whole subject of Norwegian interests in the arctic area.

2. After expressing his satisfaction that the question had aroused such general interest, Mr. Mowinkel reminded the House that it was impossible to ignore the financial side of a question which had been exploited in some quarters as a weapon against the Government. The agreement¹⁶ regarding East Greenland was in reality a licence in favour of Norwegian activity and initiative in East Greenland. It gave Norway the right to regard East Greenland as a no-man's land.¹⁷ All that was necessary was to go ahead. If it was true that Norwegian fishing interests were so great there, no obstacle was in the way of promoting them. It was desirable that the State should help private initiative and that had been done; but it was impossible to grant unlimited supplies. Denmark had carried out a great scientific task in Greenland, and there was nothing to complain of in that. The scientific successes won by Denmark in Greenland were victories for the whole civilised world. It must be remembered that Denmark was closely bound to Greenland; whereas Norwegian interests were more intimately connected with Svalbard where large sums had been expended.

¹⁶ "Denmark and Norway: Convention Concerning East Greenland and Exchange of Notes Relating Thereto, Copenhagen, July 9, 1924," *League of Nations Treaty Series*, vol. 27 (1924), no. 684.

« Danemark et Norvège : Convention relative au Groenland oriental et échange de notes y relatif, Copenhagen, le 9 juillet 1924 », *Société des Nations, Recueil des traités*, vol. 27 (1924), n° 684.

¹⁷ This was an inaccurate description of the agreement, which left the question of sovereignty unsettled. Each country reserved its own position, so that while Norway still maintained Eastern Greenland was a *terra nullius*, "Denmark did not renounce its claim to sovereignty ... but gave assurance to Norway that this claim would not be exercised in a manner prejudicial to Norwegian economic interests in East Greenland. ... Accordingly, Denmark continued to act as the sovereign in East Greenland."

C'était une description inexacte de l'accord qui laissait la question de la souveraineté en suspens. Chaque pays demeura sur sa propre position de sorte que pendant que la Norvège maintenait toujours que le Groenland oriental était une *terra nullius*, « Denmark did not renounce its claim to sovereignty ... but gave assurance to Norway that this claim would not be exercised in a manner prejudicial to Norwegian economic interests in East Greenland. ... Accordingly, Denmark continued to act as the sovereign in East Greenland ».

Oscar Svarlien, *The Eastern Greenland Case in Historical Perspective* (Gainesville: University of Florida Press, 1964), pp. 33-37.

3. As regards West Greenland, some progress was noticeable and the Danish Government had shown themselves friendly. But the freedom of the Danish Government was closely limited by the system of monopoly,¹ which Norway could not force Denmark to give up, although she followed with interest the efforts made in Denmark to get rid of the system. As regards Svalbard, none could deny that the Norwegian State had shown the most active interest.

4. Turning to the question of sealing off the Russian coast, Mr. Mowinkel reminded his hearers that the most important development in that direction had been the conclusion of a commercial agreement with the Soviet. The agreement was of great interest for Norway, since it obtained for her concessions on the coast of the White Sea which were of the first importance. The leader of the Peasants' Party had voted against that agreement. As regards Franz Josephs Land, Russia had not officially announced her adherence to the "sector" principle, which seemed to have been almost accepted by the British Empire. But Russia had practised this system as regards themselves, since they had declared the area up to the North Pole, including Franz Josephs Land, to be Russian. The Norwegian Government had protested against this. It was clear that, from the Norwegian point of view, Norwegian sealers had every right to carry on their operations there as formerly. One of the expeditions which had been proposed was destined for Franz Josephs Land. He believed that Russia also was interested in Norway taking part in scientific and practical work in those regions. There was no ground for believing that a scientific understanding could not be arrived at.

5. As regards the Sverdrup Islands, negotiations were proceeding with Canada, and there was every reason to hope that they would lead to a favourable result. These explanations showed that the Government was not neglecting the interests which had been mentioned.

6. I would particularly draw your attention to the two statements made by the Prime Minister as reported by the Press, to the effect that His Majesty's Government appeared to accept the "sector" principle, and that negotiations were proceeding with the Canadian Government regarding the Sverdrup Islands.

I have etc.,

[F.O. Lindley]

The Right Honourable Sir Austen Chamberlain, K.G., M.P.,

His Majesty's Principal Secretary of State for Foreign Affairs,
etc. etc. etc.

¹ Since 1776, trade in the colonized parts of Greenland had been carried on solely by one company, the state-owned *Kongelige Grønlandske Handel*. "Dénoué 1776 le commerce dans les parties colonisées du Groenland a été réservé uniquement par une compagnie: *Kongelige Grønlandske Handel* monopolise de l'Etat."

445.

Memorandum by Minister of the Interior**Note du ministre de l'Intérieur***LAC/ BAC, RG 85, vol. 584, file/ dossier 571*

[Ottawa,] May 30.29

Memorandum by Mr. Stewart:

I have carefully examined the letter submitted to the Prime Minister by Mr. Eivind Bordewick from Mr. Otto Sverdrup, who claims to be the first to discover islands in what is generally known as Canadian territory.

Mr. Bordewick called and discussed the matter with me some days ago and I was unable to find out that Mr. Sverdrup had left any particular markings or officially taken possession of this territory.¹⁹

Before any action is taken or consideration given, we should have from Mr. Sverdrup and the Norwegian Government full particulars as to their claims for consideration in connection with this territory. For many years Canada has claimed all the land between our mainland and the North Pole, that is between longitude 60 and 141 [W], and this is the first occasion which would indicate a desire to question Canada's title.

[Charles Stewart]

446.

Minutes of meeting of Northern Advisory Board**Procès-verbal de réunion du Conseil consultatif du Nord***LAC/ BAC, RG 25, vol. 2669, file/ dossier 9062-C-40**Copy/ Copie*

MINUTES OF A SPECIAL MEETING OF THE NORTHERN ADVISORY BOARD
HELD ON THURSDAY, THE 30TH MAY, 1929,
IN THE OFFICE OF THE MINISTER OF THE INTERIOR.

PRESENT:

Mr. J.D. Craig,
Mr. W. Stuart Edwards,
Mr. O.S. Finnie,
Mr. R.A. Gibson,
Mr. J.B. Harkin,
Dr. D.C. Scott,
Dr. O.D. Skelton (In the Chair),
Colonel Cortlandt Starnes,
Mr. D.L. McKeand – Secretary.

IN ATTENDANCE:

Mr. G.P. Mackenzie,
Mr. J.A. Wilson – Representing Mr. G.J. Desbarats.

[...]

¹⁹ Voir/ See docs 332, 438, footnotes/ notes en bas de page.

2. Sovereignty over Axel Heiberg, Ellet Ringnes, Amund Ringnes and King Christian Islands:

Dr. Skelton introduced the business of the meeting by briefly reviewing the history of Canadian Sovereignty in the Arctic during the past few years insofar as the above islands were concerned. He pointed out that the matter had fallen into three rather distinct phases: the first as a result of a letter²⁰ written by the Consul-General of Norway in 1925 and a discussion²¹ between the Consul-General and the Prime Minister in 1926, at which time the Prime Minister had intimated that the question might be allowed to stand; the second time as a result of the negotiations between the British Government and the Norwegian Government in connection with Bouvet Island in the Antarctic, which case was similar to the present one except that the positions of the two Governments were reversed, and the third time as a result of the proposal made by Mr. Bordewick in behalf of Captain Otto Sverdrup.

Dr. Skelton read,--

(a) a letter dated the 26th March, 1928, addressed to the Secretary of State for External Affairs by the Consul-General of Norway in Montreal, in which it was pointed out that no reply had been made to the Consul-General's letter of the 12th March, 1925, and in which he intimated in behalf of the Government of Norway that they reserved to Norway all rights coming to that country under International Law in connection with the Arctic islands discovered by Captain Sverdrup, the leader of the "Fram" expedition, 1898-1902;

(b) a letter [memo] dated the 7th May, 1929, from Mr. Bordewick;

(c) a letter dated the 22nd April, 1929, from Captain Otto Sverdrup,

(d) a letter dated the 20th April, 1929, from Dr. Fridtjof Nansen, and

(e) a telegram²² sent to Mr. Bordewick from Oslo, signed "Esmarch", pointing out the need for an early decision. (Copies of all these communications are appended hereto)

Dr. Skelton continued by pointing out that the question of sovereignty over these islands had apparently been discussed to some extent in Norway and there seemed to be quite a divergence of opinion in Norwegian political circles. He stated that the party in power (Liberal) seemed to be prepared to recognize Canadian sovereignty on the condition that the Canadian Government would recoup Captain Sverdrup for his expenses in connection with the cruise of the "Fram". On the other hand the Conservative party wanted the question submitted to the League of Nations, while the Communist party seemed to oscillate between both views.

Mr. Finnie then read a memorandum²³ prepared for the Minister of the Interior following an interview which he had granted Mr. Bordewick.

A general discussion followed and the consensus of opinion seemed to be that Canada by administration of the territory as evidenced by the supervision of trade, by the Arctic patrols, by the establishment of outposts and particularly by the patrols of Inspector Joy, had succeeded in perfecting its claim to these Arctic lands; also that Norway had no claim that could be substantiated in the light of present international practice in such matters, and that the only question to be decided was whether Canada might be held to be indebted to Captain Sverdrup personally for his notable contribution to the data available in connection with the Arctic and to science. It was, however, conceded that should Norway recognize

²⁰ Doc. 339.

²¹ No record of this discussion was found: *Aucun compte rendu de cette discussion a été trouvé.*

²² Doc. 441.

²³ Doc. 445.

Canada's claim of suzerainty over all Arctic lands within its sphere of influence as indicated on Federal maps of that area, it would support an already strong case, and it was felt that such support might be worth something to the Canadian Government, particularly as Norway was about the only nation that was in a position to question Canada's claim. It was thought that the first point to be decided was just how much, if anything, that recognition was worth to the Government, and in order to facilitate consideration of the matter it was suggested that a small sub-committee be formed to look into the matter, interview Mr. Bordewick simply as a matter of courtesy, prepare with the assistance of the Deputy Minister of Justice a statement of all points to be considered and report back to the Northern Advisory Board. This suggestion was approved and it was moved by Mr. Gibson and seconded by Mr. Edwards that the matter of appointing a sub-committee be left to the Chairman.

The Board then adjourned.

447.

Minutes of meeting of Northern Advisory Board Subcommittee
Procès-verbal de réunion du sous-comité du Conseil consultatif du Nord
LAC/ BAC, RG 85, vol. 584, file/ dossier 571

[Ottawa]

The Sub-Committee of the Northern Advisory Board, consisting of Dr. O.D. Skelton, Chairman, Mr. O.S. Finnie, Colonel Cortlandt Starnes and Mr. G.P. Mackenzie, appointed to grant Mr. Bordewick an interview, met in the Chairman's office on Friday the 31st May, 1929, at 4 p.m.

After Mr. Bordewick had been introduced, the Chairman outlined briefly the conversations between the Prime Minister, Mr. Bordewick and himself, pointing out that all these conversations had been without prejudice.

Mr. Bordewick agreed with the Chairman's statement. He produced a power of attorney from Commander Sverdrup which was read by the members of the Sub-Committee. In opening negotiations Mr. Bordewick made it clear that he was acting for Commander Sverdrup who had made representations over a period of many years to interest the Norwegian Government in the sovereignty of the Sverdrup islands. His efforts had been without success until very recently. The political situation in Norway was referred to and Mr. Bordewick was of the opinion that any change of Government would upset the present favourable situation. He pointed out that Canada's claim to the Arctic archipelago was based on an Imperial Order in Council of 1880, which, of course, was prior to the discovery of the Sverdrup group. It was intimated that Commander Sverdrup was interested only in securing value for his services. The scientific information which he had secured could not have been collected in less time than that covered by his explorations in 1898-1902.

After expressing the desire to see the Prime Minister for a few minutes and again stressing the urgency of the matter, Mr. Bordewick stated that all he had to say was now before the Sub-Committee.

Dr. Skelton, in reply, assured Mr. Bordewick that the Northern Advisory Board would make a speedy report to the Government, but nothing definite as to the Government's decision could be promised or even anticipated. He added that possibly someone in authority would be in London or Europe later on and if the Government desired any further information or another interview with Commander Sverdrup or his representative.

notification of this could be conveyed to Mr. Bordewick through Sir George MacLaren Brown.

After thanking the Sub-Committee and the Government officials generally, Mr. Bordewick withdrew.

In considering the matter the Sub-Committee felt that further information should be secured from Norway. Dr. Skelton undertook to communicate with the British authorities in London²⁴ with a view to securing a report on the standing of the Norwegian Government and Commander Sverdrup's claims.

The Sub-Committee then adjourned to meet again at the call of the Chair.

D.L. McKeand

448.

Memorandum for Prime Minister by Under-Secretary of State for External Affairs
Note à l'intention du premier ministre du sous-secrétaire d'État aux Affaires
extérieures

LAC/ BAC, RG 25, vol. 2667, file/ dossier 9057-A-40

Copy/ Copie

Prime Minister [W.L.M. King]

NORWEGIAN PROPOSALS REGARDING ARCTIC ISLANDS

Captain Otto Sverdrup, the leader of the second Norwegian Polar Expedition on board the Fram, 1898-1902, discovered and mapped certain Arctic Islands (Axel Herbergs Island, Ringnes Islands, etc.), and took possession of them in the name of His Majesty the King of Norway. (See attached chart*). The Canadian Government has repeatedly stated of recent years that it considers all the territory north of the Canadian mainland, between the 60th and 141st meridians of [west] longitude, to be part of Canadian territory. By Imperial Order-in-Council in 1880 the British Government transferred to Canada all British territories and possessions in the Arctic. For many years the Canadian Government has been administering the northern territories of the Dominion, sending out annual expeditions, maintaining Royal Canadian Mounted Police posts, assisting the Eskimo, collecting customs, etc. The particular islands in question were first included in the Royal Canadian Mounted Police patrols two years ago.

The attitude of the Norwegian Government in regard [to] its claims to these islands has been somewhat undecided. At intervals for the past three or four years the Norwegian Consul-General took up the question of Canadian jurisdiction. No definite reply was made pending an attempt to strengthen our title by further Royal Canadian Mounted Police administration. Last year the Norwegian Government informed us that they "reserved to Norway all rights under international law in connection with the said areas".

Recently the Liberal Government in Norway considered the matter and indicated its readiness to relinquish any title they might have to these islands in favour of Canada, if the Canadian Government would reimburse Captain Sverdrup for the expenses of his expedition. The Government is in the minority in the Norwegian Parliament. The Labour Party, which is the strongest, was averse to cession, at least pending reference of the matter to the League of Nations.

²⁴ Skelton was to attend a conference in London in the autumn. Skelton devait assister à une conférence à Londres à l'automne.

I have seen Mr. Bordewick, who has been appointed Captain Sverdrup's representative, on three occasions, and told him that the Canadian Government of course considered that this territory was already in its possession, and that any discussion of the matter would be without prejudice to that understanding. He also saw Mr. Stewart, who was very skeptical of the possibility of a bargain such as was suggested. We took the matter up at the meeting of the Northern Advisory Committee last week, consisting of representatives of the Interior, Royal Canadian Mounted Police, Justice, and External Affairs, and a sub-committee later interviewed Mr. Bordewick. It was decided to prepare a report for the consideration of the Government, stating fully the respective grounds of the claims of Norway and of Canada, and the proposals of Commander Sverdrup. It was felt by the Committee to be desirable that the Government should first decide whether it wished to consider the Norwegian proposal, before discussing details.

I gathered from Mr. Bordewick that it was desired to secure reimbursement for the whole cost of the Sverdrup expedition, which was something over two hundred thousand dollars. The Canadian Government spends something over one hundred thousand dollars each year on expeditions to this northern region.

Mr. Bordewick wishes to see you, chiefly, I gather, to explain the political situation in Norway, which might result in the present proposal lapsing. I told him that it would be difficult to secure a definite decision on the matter from the Government for some time to come, but he wishes to present his case direct.

In our interviews with Mr. Bordewick we have of course stated that until the Government had given the matter full consideration, it would be impossible to forecast what answer would be returned.

[O.D. Skelton]

Ottawa, 3rd June, 1929

449.

Letter from Elvind Bordewick to Under-Secretary of State for External Affairs
Lettre d'Elvind Bordewick au sous-secrétaire d'État aux Affaires extérieures
LAC/BAC, RG 25, vol. 2667, file/ dossier 9057-A-40

Chateau Laurier, Ottawa,
 June 4th, 1929.

Doctor O.D. Skelton,
 Under-Secretary of State,
 Ottawa, Ontario.

Sir:

Your Secretary has telephoned me that you have arranged for me to see the Premier either today or tomorrow.

With reference to the pleasant meeting with the Advisory Committee on Friday, I take the liberty of sending you herewith a memo outlining, in a few words, the matter I wish to discuss briefly with the Premier and your good self.

Your suggestion at the meeting on Friday, to arrange a meeting in London, England, in the early Fall, in order to arrive at a final settlement of the Sverdrup case, seems to me the only thing which can be done in order to rush the case before there might be any change of Cabinet in Norway.

In this case, however, I am sure you will appreciate that, as authorized representative for Commander Sverdrup, I should not return to Norway now, empty-handed.

It is, therefore, that I venture to approach the Premier and you, Sir, with a view to obtaining a statement as outlined in the enclosed memo.

Sincerely yours,

Eivind Bordewick

Enclosure: Memorandum by Eivind Bordewick
Pièce jointe : Note d'Eivind Bordewick

MEMO. REGARDING SVERDRUP CASE.

(1) An acknowledgement of Commander Sverdrup's Explorations, Mapping, and Work, in relation to the Sverdrup Islands, as of value to the Dominion of Canada, stating that the Dominion of Canada is willing to pay the said Commander Sverdrup a justified compensation or reward, as soon as the Advisory Committee may have completed their work and as soon as the Cabinet may have considered the reward to pay.

(2) The final settlement to take place in London, England during the early fall, not later than October 1st, 1929 by an Authorized Representative of the Government of the Dominion of Canada, and Commander Sverdrup, and myself.

(3) The basis for this settlement is naturally Norway's full relinquishment of any claim of Sovereignty to the Sverdrup Islands, to be given officially at the time of settlement in London, England.

Eivind Bordewick

Ottawa, June 4th, 1929

450.

Letter from Under-Secretary of State for External Affairs to Eivind Bordewick
Lettre du sous-secrétaire d'État aux Affaires extérieures à Eivind Bordewick
LAC/BAC, RG 25, vol. 2667, file/dossier 9057-A-40
Copy/ Copie

Ottawa, 5th June, 1929

My dear Mr. Bordewick,

I am in receipt of your letter of June 4th, with reference to the interview with the Prime Minister which is being arranged.

I understand that the memorandum contained therein represents the proposals which you wish to make to the Prime Minister.

It is, of course, understood that the question of whether or not the Dominion of Canada could accept the proposal to pay compensation to Commander Sverdrup has not yet received the consideration of the Government.

I may also make it clear that the suggestion made in the course of the committee meeting the other day as to further discussion in London merely contemplated conveying information as to whether the Canadian Government had made any decision on the matter. No proposal was made that "a final settlement should take place in London by an authorized representative of the Government of the Dominion of Canada, and Commander

Sverdrup and yourself", nor could any such proposal be made at present in view of the fact that no decision on the principle of the proposal has been made.

Yours sincerely,

[O.D. Skelton]

Eivind Bordewick, Esquire,
Chateau Laurier, Ottawa.

451.

Letter from Prime Minister to Eivind Bordewick

Lettre du premier ministre à Eivind Bordewick

LAC/ BAC, RG 25, vol. 2667, file/ dossier 9057-A-40

Copy/ Copie

Ottawa, 6th June, 1929

Dear Sir,

I have read with care the letters²⁵ which you presented to me recently from Dr. Nansen (April 20th, 1929) and Commander Sverdrup (April 22nd, 1929), regarding the explorations carried on by Commander Sverdrup in the Canadian Arctic Archipelago in the years 1898 to 1902. I have also noted the full and able presentation which you have given in the course of personal interviews.

It was a pleasure to receive the assurances of the good will toward Canada felt by the Government and the people of Norway. We are always glad to receive visitors from a country with such splendid traditions and with so many interests and ideals in common with our own as Norway.

The varied and successful work of Commander Otto Sverdrup in the furtherance of Arctic exploration, from the days when he accompanied Dr. Nansen in his journey across Greenland to his relief expeditions in the Arctic within the past few years, and not least his explorations in the Axel Heiberg area, are familiar to Canadians, and his fine personality has given him a place in their regard, with Fridtjof Nansen and Raold Amundsen, in the distinguished roll of heroic adventurers whom Norway has sent forth.

The question which has been raised as to whether the Canadian Government could recommend a grant to Commander Sverdrup in recognition of the achievements of the "Fram" expedition in 1898-1902 will be given most careful consideration by the Minister of the Interior, our other colleagues and myself. The proposal has been referred to the Northern Advisory Committee for preliminary enquiry, and, following its report, will be taken up by the Government at the first convenient opportunity.

May I ask you to convey to Dr. Nansen and to Commander Sverdrup the assurance of my highest esteem and my kindest regard?²⁶

Yours sincerely,

[W.L. Mackenzie King]

Eivind Bordewick, Esquire,
Chateau Laurier, Ottawa.

²⁵ Doc. 438, enclosures/ pièces jointes.

²⁶ This letter was written by Skelton. See draft in . Cette lettre fut rédigée par Skelton. Voir l'ébauche dans LAC/ BAC, RG 25, vol. 2960, file/ dossier 1.

452.

Decoded Telegram (Paraphrased) from High Commissioner of United Kingdom to Secretary of State for Dominion Affairs

Télégramme décodé (paraphrasé) du haut-commissaire du Royaume-Uni au secrétaire d'État aux Affaires des Dominions

TNA, DO 35/68

[Ottawa, 7 June 1929]

No. 138. Secret.

Your telegram No. 133 of 29th May. Am informed privately by Under Secretary of State for External Affairs that unofficial overtures have been made to Canadian Government through Canadian Pacific Railway Agent in Norway suggesting that the Norwegian Government might give up its claim to Sverdrup Group if Canadian Government were prepared to make grant to Sverdrup in recognition of his exploration in region indicated. The above proposal is believed to have the tacit consent of the Norwegian Government but it has not yet been considered here. It is thought to be opposed by the Labour Party in Norway.

[William Clark]

Minutes/ Notes

A roundabout procedure. Evidently the Norwegians still regard their claim as a bargaining weapon.

? Copy to FO saying that although no info. is given as to the present position of the official discussion, it wd appear fr[om] this tel. that the issue is still a live one. In the Circs. the C^{an}dian Govt may welcome a proposal that the opportunity should be taken of the annexation by Norway of Jan Mayen Island to obtain the abandonment of the Norwegian claim to the Otto Sverdrup Islands. It is suggested therefore that Sir W. Clark should now be authorised to explain to the Canadian Govt the position with regard to Jan Mayen Island on the lines indicated in tel of 29 May [.] and should ascertain from them whether the procedure suggested therein would be in accordance with their wishes. And ask whether Mr. Henderson concurs in this course. [...]

P.A. Clutterbuck 12/6

[. . .]

Mr. Ponsonby

Mr. Sidney Webb

I hope that the memo⁴ by Mr Clutterbuck attached (which I asked him to prepare in order to explain the general position) will sufficiently indicate the reasons for the action proposed in his minute above.

? Proceed as proposed.²⁷

E.J. H[arding] 18.6.29

Seen

A. P[onsonby] 18/vi/29

S. W[ebb] 18/6

²⁷ On 15 June, the Foreign Office notified Sir Francis Lindley in Oslo that the suggested strategy should be followed if the Canadian government agreed. The 15 June, le Foreign Office a écrit sir Francis Lindley à Oslo que la stratégie suggérée pourrait être suivie si le gouvernement canadien était d'accord. See: Vint TNA, DO 114/34.

453.

Memorandum from Director, Northwest Territories and Yukon Branch, to Acting Deputy Minister of the Interior

Note du directeur, Secteur des Territoires du Nord-Ouest et du Yukon, au sous-ministre de l'Intérieur par intérim

LAC/ BAC, RG 85, vol. 15, file/ dossier 20-MacMillan

Ottawa, 22nd June, 1929.

Memorandum:

R.A. Gibson, Esq.,

Acting Deputy Minister.

This is the day the newspapers state Commander Donald B. MacMillan will leave Wiscasset, Maine, for Labrador and Baffin Island. Commander MacMillan has not applied for a permit to enter the North West Territories to carry on scientific or exploratory work. I wrote to Colonel Starnes suggesting that his officers might interview Commander MacMillan when he put into North Sydney for coal. It was agreed, however, that the Customs Department would be the proper authorities to have this interview. Consequently we took the matter up with the Department of National Revenue, Customs Division, and Mr. Young telegraphed to his collector at Sydney on the 18th instant, as follows:

"If United States vessel Bowdoin calls at your port bound for Labrador vessel should report inwards and obtain clearance. If bound for any point in Baffin Island advise Commander MacMillan he must have permit to enter North West Territories in addition to Customs clearance. If the vessel intends to proceed to North West Territories without permit advise department by telegram."

In addition to this Colonel Starnes will notify his detachment in the eastern Arctic and Hudson Bay that should MacMillan's vessel come into their vicinity the Police should board her and ask Commander MacMillan the purpose of his expedition, and if it is for scientific or exploratory work request him to produce his permit.

I think this is about all we can do in connection with this matter unless you have anything further to suggest.²⁸

O.S. Finnie

454.

Telegram from Collector of Customs, Sydney, Nova Scotia, to Commissioner of Customs

Télégramme du percepteur des douanes, Sydney, Nouvelle-Écosse, au commissaire des Douanes

LAC/ BAC, RG 85, vol. 15, file/ dossier 20-MacMillan

Sydney NS 2 July 1929

Commissioner of Customs [R.W. Breadner] Ottawa

United States vessel Bowdoin arrived here. Commander McMillan[']s clearance from Bath Maine reads to Baffins Land via Labrador would like clearance to read same and wishes permit as required by your wire²⁹ of June 18. He informs me he has already obtained

²⁸ Marginal note:/ Note marginale :

Approved. [R.A. Gibson]

²⁹ See previous document./ Voir le document précédent.

permits from Mr Hardin [Harkin] Game Commissioner Ottawa for obtaining scientific specimens in Baffin Land for United (States) Bureau of Fisheries. Vessel to sail tonight please wire instructions early as possible.

Collector [P.C. Campbell]

455.

Telegram from Director, Northwest Territories and Yukon Branch, Department of the Interior, to Donald MacMillan

Télégramme du directeur, Secteur des Territoires du Nord-Ouest et du Yukon, ministère de l'Intérieur, à Donald MacMillan

LAC/BAC, RG 85, vol. 15, file/ dossier 20-MacMillan

Ottawa, 2nd July, 1929.

Commander Donald B. MacMillan,
Sydney, N.S.

Your application to enter Northwest Territories of Canada to carry on exploratory work has been received through Canadian customs officer North Sydney. In view of delay in making such application usual form cannot reach you before your departure. This wire will serve as evidence of the granting of the permit to yourself and associates whose names should be endorsed thereon and attested by customs officer North Sydney.

O.S. Finnie

K.R. D[aly]

456.

Letter from Deputy Minister of the Interior to Under-Secretary of State for External Affairs

Lettre du sous-ministre de l'Intérieur au sous-secrétaire d'État aux Affaires extérieures

LAC/BAC, RG 25, vol. 2667, file/ dossier 9057-A-40

Ottawa, 12th August, 1929

Dear Dr. Skelton,

Perhaps you may have noticed in the press our news items on the progress of the Arctic Expedition, and the reference to Inspector A.H. Joy of the Royal Canadian Mounted Police.

According to the wireless telegram* from Mr. G.P. Mackenzie, Officer in Charge of the Expedition, Inspector Joy, Constable Taggart and native, with dog teams, started from Dundas Harbour on the 12th March last to patrol to Melville Island. They left word for Mr. Mackenzie that if not back within sixty days they would be either at Craig Harbour or Bache Peninsula. When the Expedition reached Rice Strait on the 3rd instant, Inspector Joy and the Bache detachment met the "Beothic".³⁰

* See "Inspector Joy's Patrol" *Report of the Royal Canadian Mounted Police for the Year ending September 30, 1929* (Ottawa: F.A. Acland, 1930), pp. 62-71; Voir « Patrouille de l'inspecteur Joy », *Royale Gendarmerie à cheval du Canada, rapport de l'année close le 30 septembre 1929*, Ottawa, F.A. Acland, 1930, p. 69-79.

From the brief wireless messages I have had the route taken by Inspector Joy traced on a small map which is enclosed for your information. When a full report of the patrol is received another map will be made in more detail.³¹ Meantime, it would appear that this patrol was very successful, particularly with respect to the sovereignty of the Sverdrup group of islands.

Yours very truly,

W.W. Cory
Deputy Minister.

Dr. O.D. Skelton,
Under-Secretary of State for External Affairs,
Ottawa.

457.

Letter from Head of Northern Department, Foreign Office, to Under-Secretary of State for Dominion Affairs

Lettre du chef du Département du Nord, Foreign Office, au sous-secrétaire d'État aux Affaires des Dominions

TNA, DO 35/80

Foreign Office, S.W.1.
7th September, 1929.

No N 3853/1804/30

Confidential

Sir,

With reference to the letter† from this department of August 8th (N 3639/1804 30), relative to the proposal that the recognition of Norwegian sovereignty over Jan Mayen Island should, subject to the concurrence of His Majesty's Government in Canada, be made conditional on the relinquishment of the Norwegian claim to the Otto Sverdrup Islands, I am directed by Mr. Secretary Henderson to transmit to you, herewith, a copy of a despatch† from His Majesty's Minister at Oslo suggesting that the Norwegian Government might be more disposed to accept this proposal if His Majesty's Government would recognise Norwegian sovereignty over Peter I Island at the same time.

2. His Majesty's Minister has already, as he indicates, been authorised to inform the Norwegian Government that His Majesty's Government make no claim to this island, although he has not yet had an opportunity of doing so, and Mr. Henderson sees no objection in principle to making use of this recognition as a makeweight in the bargain which it is proposed to strike over the Otto Sverdrup Islands. The question is, however, one of tactics and it is a matter for consideration, perhaps at the next meeting of the Interdepartmental Conference [Committee] on Antarctic Questions, whether any statement as regards Peter I Island should be made at once or kept in reserve until it is seen whether the acceptance of the Norwegian claim to Jan Mayen Island is alone sufficient to secure the object in view, i.e., the relinquishment of the Norwegian claim to the Otto Sverdrup Islands. If it eventually proves unnecessary to include Peter I Island, or if the proposed bargain never reaches the stage of being placed before the Norwegian Government, owing to His Majesty's Government in Canada having already settled the dispute direct, or for any other reason, it will be a matter for still further consideration whether the recognition of

³¹ See map 7./ Voir carte 7.

Norwegian sovereignty over Peter I Island should then be accorded unconditionally or used in some other way.

3. A similar letter has been addressed to the Colonial Office, Ministry of Agriculture and Fisheries[,] and Admiralty.

I am,
Sir,
Your obedient Servant,
H.J. Seymour

The Under-Secretary of State [Sir Charles Davis],
Dominions Office.

Minutes/ Notes

[...] It is now clear from 11665 29⁷ that there is no immediate prospect of a direct settlement between Canada and Norway. Our offer of assistance is therefore opportune.

On the assumption that we shall shortly receive an official despatch from Canada to this effect, it will remain to decide what *quid pro quo* shd. be offered. I think that there is some force in Sir F. Lindley's contention that Jan Mayen alone is not likely to be enough, but if Canada at the same time offer[s] some pecuniary compensation, then that & Jan Mayen may do the trick without our dragging in Peter I Island at all. It is clear in any case that we cannot decide or express any opinion on the point raised by the FO until we have (1) an official despatch from C'da welcoming our assistance (2) an indication of the amount which C'da would if necessary be prepared to pay to Dr. Sverdrup.

In the circs. it wd. seem best to proceed as in s.o. d[ra]ft⁷ herewith [...]

P.A. Clutterbuck 1/10

Get off this interim letter, and then circulate as I should like to discuss with Sir C. Davis the line to be taken at the Antarctic Ctee.

H.F. B[atterbee] 5.x.29

I spoke to Dr. Skelton about this case yesterday. He is very interested in the matter and would be glad to attend a meeting of the Antarctic Committee if it can be arranged during his presence in this country. I have altered the draft accordingly.

H.F. B[atterbee] 8 Oct 1929

458.

Memorandum by First Secretary, High Commission of United Kingdom

Note du premier secrétaire, haut-commissariat du Royaume-Uni

TNA, DO 114/34

Printed copy/ Copie imprimée

I spoke to Dr. Skelton who said that the Norwegian Government were still trying to get \$250,000, or thereabouts, out of the Canadian Government on behalf of Dr. Sverdrup, in return for abandonment of their claim. I suggested that His Majesty's Government might be able to help Canada by insisting on abandonment of the Norwegian claim to the Sverdrup group in return for British acquiescence in the construction of a harbour on Jan Mayen Island. This, Dr. Skelton said, would undoubtedly help Canada, which was

³² Doc. 458.

disposed to pay a small sum to Sverdrup but not practically the whole cost of his expedition. He would examine the file early next week and discuss the matter with us as soon as his examination had been completed.

[R.H. Hadow]

Ottawa [11 September 1929].

459.

Memorandum by First Secretary, Department of External Affairs
Mémoire du premier secrétaire, ministère des Affaires extérieures
LAC/ BAC, RG 25, vol. 2667, file/ dossier 9057-A-40

[Ottawa,] Sep 23 1929³³

THE QUESTION OF OWNERSHIP OF THE SVERDRUP ISLANDS.

This question concerns the ownership of certain islands (Axel Heiberg, Ellef Ringnes, Amund Ringnes, Kong Christians) in the Arctic Sea, north of the Canadian mainland. Canada has made a definite and precise claim to sovereignty over them. Norway, though not making any such unequivocal claim, has from time to time made certain declarations concerning the islands, and, in correspondence with us, has reserved all rights over them conferred on her through their discovery by Captain Sverdrup during his polar expedition, 1898-1902.

The History of the Question.

On March 12th, 1925, the Norwegian Consul General to Canada, enquired of the Department of External Affairs whether Canada claimed sovereignty over the Sverdrup islands, and, if so, what was the basis of our claim.

No reply was made to this communication.

The enquiry was repeated in a letter of February 6th, 1926.

This letter also remained unanswered, and Dr. Skelton suggested to the members of the Arctic [Northern Advisory] Board that this question be considered by them.

A further enquiry was forwarded from the Consul General on September 27th, 1926. It was answered on October 9th of that year by a letter³⁴ from the Deputy Minister, in which he stated that the Prime Minister would take the matter up on his return from England. Nothing was done however.

Further notes were sent by the Consul General on April 27th, 1927, and March 26th, 1928, in the latter of which he stated that the Norwegian Government, in the absence of any reply to their previous notes, reserved all rights under international law in connection with the above areas.

³³ There is a later copy of this document in the same file, dated 28 October 1929, without Pearson's signature. It contains only a few very minor differences from this version. Il y a une copie ultérieure de ce document au même dossier, datée du 28 octobre 1929, sans la signature de Pearson. Elle ne contient que quelques différences mineures par rapport à cette version.

Many of the references used by Pearson were taken from James White's 1925 memos. For full citations, see docs 343, 365, enclosures and footnotes. Plusieurs des références utilisées par Pearson furent tirées des mémoires de James White de 1925. Pour les références complètes, voir docs 343 et 365, pièces jointes et notes en bas de page.

³⁴ See/ Voir doc. 421, footnote/ note en bas de page.

This was acknowledged⁸ on August 18th, 1928, and it was stated that the question would receive immediate attention.

On April 22nd, 1929, Captain Sverdrup, himself, wrote the Prime Minister, to the effect that he could definitely promise, as a result of negotiation with the Norwegian Government, that the Government's rights to the islands would be definitely relinquished if, at any time he, Captain Sverdrup, should desire it, and that he would so desire, on compensation by the Canadian Government for expenses incurred during the voyage of discovery and exploration.

As Captain Sverdrup could not come to Canada personally to present his case, he entrusted it, with the approval of the Norwegian Foreign Office, to Mr. Trymnd Bordewick, General Agent for the C. P. R. in Norway, with power of attorney to settle and receive the amount of compensation due him.

Captain Sverdrup estimates the total cost of his expedition, equipped for six years, to have been \$200,000. This apparently means if we give Sverdrup roughly \$200,000, Norway will cease contesting our claim to the disputed islands.

Dr. Skelton had three interviews with Bordewick last June, and informed him that as the Canadian Government considered that this territory was already in its possession, any discussion of the matter would be without prejudice to that understanding.

One of the arguments used by Bordewick to hasten matters was that the Liberal Government in Norway, a minority government, favoured the proposal but that it might be turned out at any moment by the Norwegian labour party, which was averse to cession of rights to the islands, or at least, cession before submitting the dispute to the League of Nations. A recent letter⁹ from Bordewick (July 2) has emphasised the probability of the Liberal regime disappearing shortly, and the effect of this fact on the negotiations.

Mr. Bordewick also saw the Prime Minister and the Minister of the Interior on his visit to Ottawa. The latter was sceptical as to the possibility of making any such agreement as proposed, while the Prime Minister wrote Bordewick that the government would consider the question of a grant to Captain Sverdrup in recognition of his services in Arctic exploration. Care was taken in the letter not to touch on political considerations or on the question of sovereignty over the islands in question.

The Northern Advisory Committee took up the matter during Bordewick's visit, and a sub-committee interviewed him. It was decided to prepare a report on the whole matter for the consideration of the Government — to cover Norway's claim to the islands, the Canadian counter-claim, and Captain Sverdrup's proposals.

Importance of the Islands in Question.

Up till recently the far Arctic region has had, on the whole, merely an academic, scientific, or sporting interest for the world in general. But with the tremendous development in air transportation now taking place, and with the shortest route from Tokio to London across the Arctic wastes, these northern areas are gaining a new significance. They may constitute in the future a bridge between the North Atlantic and the North Pacific. The fabled North West passage is becoming once again the goal of mariners[,] mariners, now, of another element.

The success of air navigation in the North, however, will depend largely on finding suitable places for establishing radio stations by which air ships and aeroplanes can check

⁸ See Voir doc. 428, footnote note en bas de page.

their positions and on developing landing stations, with anchoring masts, hangars, fuel supplies, etc.

The strategic position of the disputed islands in this connection, especially Axel Heiberg, can be appreciated by a glance at the map.

Further, meteorological investigations in the Arctic are becoming increasingly important, not only because of their relation to future air navigation in that area, but also because it is now realized that Arctic conditions exercise a great influence on our weather phenomena generally. This is of special importance for Canada, with the development of the Hudson Bay shipping route.

It would seem wise then, for the Dominion to make every effort to establish internationally her title to the land north of her coasts, including the Sverdrup islands.

Norway's Claim to the Islands.

Her claim is based solely on their discovery by Captain Sverdrup during his expedition of 1898-1902. In 1900 Axel Heiberg was discovered by a party from this expedition. A cairn was erected on it, into which was deposited a record of the journey and a declaration that this land and all land discovered later was taken possession of in the name of the Kingdom of Norway.⁴⁶ This discovery has never been followed up by any act of occupation on the part of Norway.

Validity of the Norwegian Claim in International Law.

In the first place it might be mentioned that, so far as is known, Norway has never made a "public assertion of ownership" to these islands. The attitude of the Norwegian Government on the subject has, indeed, been somewhat undecided. The mere act of discovery does not in this case constitute a "public assertion of ownership" as the expedition was not an official undertaking. It was equipped and financed by private individuals, though the Norwegian authorities put the ship "Fram" at its disposal. The condition, then, as laid down by some authorities on international law that "there must be some formal act of appropriation on behalf of the occupying state, either done by its authority or subsequently adopted by it and either publicly notified or done under the circumstances reasonably sufficient to bring it under the notice of other states."⁴⁷ may not have been met.

But there is a stronger argument against the validity of the Norwegian claim than the above, namely, that any rights to these islands which their discovery by Captain Sverdrup may have conferred on Norway, have lapsed.

It has become an established principle of International law that, though discovery may give a state an "inchoate title" to the land discovered, such discovery must be followed up by actual occupation in order to convert the title so acquired into valid ownership. The authorities seem perfectly clear on this point. Thus:-

Hall. (International Law. Eighth Edition pp 126, 127 and 128).

"In the early days of European exploration it was held, or at least every state maintained with respect to territories discovered by itself, that the discovery of previously unknown land conferred an absolute title to it upon the state by whose agents the discovery was made. But it has now been long settled that the bare fact of discovery is an insufficient ground of proprietary right. It is only so far useful that it gives additional value to acts in themselves doubtful or inadequate.

⁴⁶ See Von does 332, 438 enclosure piece jointe 1, and et 443, footnotes notes en bas de page.

⁴⁷ Pitt Cobbett, *Leading Cases on International Law*, vol. 1, 4th edn, ed. by Hugh H L. Bellot (London Sweet and Maxwell, 1922), p. 110.

An inchoate title acts as a temporary bar to occupation by another state, but it must either be converted into a definitive title within reasonable time by planting settlements or military posts, or it must at least be kept alive by repeated local acts showing an intention of continual claim. What acts are sufficient for the latter purpose, and what constitutes a reasonable time, it would be idle to attempt to determine. The effect of acts and of the lapse of time must be judged by the light of the circumstances of each case as a whole.

But if an uncommissioned navigator takes possession of lands in the name of his sovereign, and then sails away without forming a settlement, the fact of possession has ceased, and a confirmation of his act only amounts to a bare assertion of intention to possess, which, being neither declared upon the spot nor supported by local acts, is of no legal value.”

Westlake (International Law, page 158).

“In considering those questions of detail I shall admit that discovery can only confer what has been called an inchoate title, to be completed by occupation within a reasonable time”.

Charles Cheney Hyde (International Law chiefly as interpreted and applied by the United States Vol. I, page 101).

“With the gradual acceptance of the principle that a complete right of sovereignty over newly found lands could not be established by any means short of effective occupation, the necessity of shortening the period during which a State might avail itself of a discovery made in its behalf became better understood. If such an act served to create but an inchoate title, it was unreasonable that the steps necessary to perfect it should be delayed indefinitely. Thus, the modern principle was finally accepted that the legal value of discovery depended upon the celerity with which it was followed by effective occupation. In the sixteenth century the discoverer brought into being rights which might be safely slept upon for generations. To-day, were he able to ascertain the existence of land still unknown to civilization, he would have no significance save as he might herald the advent of the settler.”

The Norwegian Government has, indeed, itself subscribed to the above position and has even quoted from the authorities mentioned to support that position. A note from Oslo to London, February 27th, 1925, regarding a dispute over the sovereignty of certain Antarctic lands reads, in part, as follows:

“While it is not their (Norwegian Government’s) intention at the present time to claim sovereignty to the territories referred to ... they consider that the said discovery and annexation constitute a valid basis for a claim of priority to acquire such territories whenever the requirements of international law as to effective occupation of a new territory shall have been fulfilled”.³⁸

Also in the controversy in 1927 with Great Britain over the ownership of King Edward land,³⁹ the Norwegian Government claimed that the prior discovery of the land by the

* This quotation is actually from a diplomatic note of 24 February 1925 from the Norwegian Minister in London to the Foreign Secretary. Cette citation est en réalité tirée d’une note diplomatique du 24 février 1925 adressée par le ministre norvégien à Londres au secrétaire aux Affaires étrangères. Copy in: Copie dans LAC: BAC, RG 25, vol. 1513, file: dossier 1928-206-C.

³⁹ See, Voir David Day, *Antarctica: A Biography* (New York: Oxford University Press, 2013), pp. 203-204.

British explorer, Scott, could not invalidate the Norwegian claim based on subsequent exploration, mapping and occupation by Norwegian nationals.

Furthermore, in the controversy over the ownership of Bouvet Island in 1928 between the same states,⁴⁰ Norway, in opposing the British claims based on prior discovery and temporary occupation, adopted a position and used arguments which could be very effectively turned against her in respect to the Sverdrup islands. It is admitted that the parallel is not exact. The British discovery of Bouvet took place, not 25, but 100 years before the Norwegian occupation. On the other hand, in our favour, there is a great difference between the discovery of an isolated island in the Antarctic sea, and islands which might be said to belong geographically to the Canadian mainland.

Certain excerpts from the Norwegian despatch to London, April 23rd, 1928, are not without interest in their relation to the Norwegian claim to the Sverdrup Islands.

"It is a universally recognized maxim of international law, acknowledged also at the time of Captain Norris's landing more than a hundred years ago, that a state in order to acquire sovereignty over unoccupied territory must in fact take possession of such territory, and that the possession must be effective, a purely formal act not being sufficient.

While, naturally, it would not be reasonable to make the same demands as to the effectivity of the occupation of lands in the Arctic and Antarctic regions as in other and more hospitable parts of the world, it is generally admitted that also in Arctic and Antarctic regions the occupation must be something more than a matter of form in order to create a valid basis for an acquisition of sovereignty.

Prominent British writers on international law agree that an inchoate title cannot for an indefinite time constitute a bar to the occupation by another state. Thus, Hall writes (op. cit. p. 102) that 'An inchoate title acts as a temporary bar to occupation by another state, but it must either be converted into a definite title within reasonable time ... or it must at least be kept alive by repeated local acts showing an intention of continual claim'".⁴¹

The British Government recognized the strength of the Norwegian position and waived all claim to the island in question. It might be held that, on its own thesis, Norway cannot bar any Canadian claim to the Sverdrup islands merely on the ground of prior discovery.

It is interesting to note that in the controversy over Bouvet, the Norwegians offered as a quid pro quo to abandon their claim to the Sverdrup islands. Lord Cushendun, however, sheered off from this suggestion,⁴² and an excellent opportunity to settle the whole matter was lost. Later Bouvet was abandoned by Great Britain unconditionally.

So far as contiguity is concerned, Norway can advance no argument whatever on those grounds to support a claim based on discovery. There only remains the question as to whether twenty-five years without any act of occupation having taken place is a long enough time to destroy any exclusive right conferred by discovery.

⁴⁰ See/ Voir docs 430, 435 and/ et Day, *Antarctica*, pp. 206-212.

⁴¹ See/ Voir Vogt to Chamberlain, 23 April 1928, copy in/ copie dans LAC-BAC, RG 25, vol. 1513, file dossier 1928-206-C.

⁴² See/ Voir doc. 435.

There is, of course, no agreed time during which an inchoate title by discovery must be converted into a real title by occupation. Oppenheim (*International Law*, Vol. I, p. 278) merely says "It is agreed that discovery gives to the state in whose service it was made an inchoate title, [it] 'acts as a temporary bar to occupation by another state' within such a period as is reasonably sufficient for effectively occupying the discovered territory." There might be mentioned also, in connection with this question of time, the excerpt from Hyde quoted previously. As regards the Sverdrup islands, it seems reasonable to conclude that the Norwegian bar to Canadian occupation has lapsed ere this.

The Canadian Claim to the Islands.

It is one thing to argue that no longer can the Norwegian discovery bar the occupation of other states, and another to prove Canada's sovereignty over the Islands in question.

Canada's claim is inherited from Great Britain. In 1880, Great Britain, by Imperial Order-in-Council, transferred the Arctic Archipelago to the Dominion Canada, hence, now claims as its "hinterland" an area bounded on the east by a line passing midway between Greenland, Baffin, Devon, and Ellesmere islands, and northward to the Pole, on the west, by the 141st meridian from the mainland to the Pole. All land, discovered or undiscovered[,] within this sector, is claimed as Canadian territory.

There is at least one precedent for this extension northwards of a meridian boundary, namely, the Russian-United States treaty of 1867, establishing the western boundary of Alaska on its cession to the United States. The claim to ownership of all land within the Canadian sector implies, naturally, that we recognise such a claim by other states to the Arctic territory north of their boundaries. This division is in harmony with the proposal of many geographers, that the simplest method of apportioning the Arctic and the Antarctic is by extending the boundaries of those states whose territories are cut by the Arctic Circle indefinitely northwards to the Pole. By this sector theory, the Arctic would be divided as follows:

- (1) Norwegian and Finnish Sector (they may be grouped because of their size) from longitude 10° W. to the U.S.S.R. boundary.
- (2) Russian sector – 32° East to 168° West.
- (3) United States sector – East boundary of U.S.S.R. to 141° West.
- (4) Canadian sector – 141° to 60° West.
- (5) Danish sector – 60° to 10° West.

Within each sector all known and unknown land must be placed under the sovereignty of the government concerned, which sovereignty is to be exercised not only on land but, in a certain measure to be determined internationally, over the water and air space.⁴

This theory constitutes a practical solution of the Arctic question. It does, of course, destroy the old conceptions of freedom of the seas and the impossibility of establishing sovereignty over unknown lands, but conditions in the Arctic are unlike any visualised by international lawyers in the past, and new rules might well be considered necessary to meet those conditions.

David Hunter Miller, commenting on the Sector Theory in "Foreign Affairs", 1925, says "It comes to this: the areas round the North Pole whatever they may be, form three or four cone-shaped sectors." Whatever may be said by way of argument against this

⁴ 1905 edition, with emphases added by Pearson. The passage quoted by Oppenheim is from Hall's *Treatise on International Law* (London, 1905), confirmed by Pearson. Le passage cité par Oppenheim est tiré du *Treatise on International Law* de Hall.

⁵ This paragraph is almost an exact quotation from "Le paragraphe est présent dans l'édition originale de Leonid Breitfuss, "Territorial Division of the Arctic," *Dalhousie Review*, vol. 8 (January 1929), p. 467.

Canadian theory, it is certainly a highly convenient one Certainly if these three great powers (Russia, United States, and British Empire) are satisfied with such a partition the rest of the world will have to be".⁴⁵

Canada, however, does not claim these islands merely because they fall within a Canadian sector, internationally unrecognized. She holds that on other grounds she has a better title to them than any other state.

1. First, on the grounds of contiguity:

It is held that the islands of the Canadian Arctic Archipelago collectively form a geographical entity. So far as discovery goes, the title of Great Britain, and thus of Canada to all of these islands excepting the Sverdrup group is clear and beyond question. The Sverdrup islands, though discovered by Norwegians, are only six, eight, and twenty-five miles distance from islands acknowledged as British for three-quarters of a century. They cannot be considered as isolated lands, but as part of a geographical entity. The Archipelago, which comprises this entity, is contiguous to the Canadian mainland and, on these grounds, may be considered an extension of that mainland.

In 1844, Mr. Calhoun, United States Secretary of State, wrote Mr. Pakenham, British Minister at Washington, as follows, on this question of contiguity:

"That contiguity furnishes a just foundation for a claim of territory, in connection with those of discovery and occupation would seem unquestionable. It is admitted by all, that neither of them is limited by the precise spot discovered or occupied. It is evident that, in order to make either available, it must extend at least some distance beyond that actually discovered or occupied; but how far, as an abstract question, is a matter of uncertainty How far the claim of contiguity may extend ... can be settled only by reference to the circumstances attending each".

The extension of the idea of contiguity to cover so many islands, known and unknown, might very justly be considered as unwarranted and unreasonable, were the area in question in torrid or temperate zones. Such an extension, however, may well be considered reasonable in the Arctic[,] where conditions are so different and where difficulties of control and occupation are so great. It commends itself also on the grounds that the most closely adjacent civilized government, in this case that of Canada, is likely to be best placed, and best equipped for, as well as most interested in[,] establishing effective control and a good administration. As to the relative probability of settlement or control of the Sverdrup islands by Canada or Norway, there can be no question.

Miller, in the article above cited, sums up this question of contiguity as follows:

"Very naturally Canada thinks of the islands now on the map north of her mainland as contiguous territory, natural geographical extensions of the country. Discovered to a great extent (not wholly) by British explorers, separated from the more southern area and from each other by comparatively narrow straits, though largely unoccupied in any sense, these lands seem to the Canadians a geographical entity and clearly parts of one domain, her own. To project this sentiment still further north; perhaps across a considerable extent of Arctic sea or ice, is less logical but seems equally natural".⁴⁶

⁴⁵ David Hunter Miller, "Political Rights in the Arctic," *Foreign Affairs*, vol. 4, no. 1 (October 1925), pp. 59-60.

⁴⁶ Miller, "Political Rights in the Arctic," p. 57.

Canada also claims the Arctic islands, including the Sverdrup group, on grounds of

2. Occupation and Control

It is obvious that the specific rules of law concerning effective occupation, considered by the best authorities to be applicable to torrid and temperate zones, cannot be applied with the same strictness to a district such as the Canadian Arctic Archipelago. The effect of measures of control, as well as of contiguity, must be given much greater weight in such districts than would normally be attached to such measures in more favoured regions.

Mr. Olney, United States Secretary of State, wrote in 1896, as follows, on the subject of "occupation which is sufficient to give a state title to territory": "The only possession required is such as is reasonable under all circumstances, in view of the extent of the territory claimed, its nature and the uses to which it is adopted and put . . ."

Measures of control exercised over the Canadian Arctic by Canada have been, it may be held, extensive and important enough to give her, under the circumstances, a valid title to the land in that area.

The inhabitants thereof are few in number but have come under Dominion jurisdiction and control. In this connection there is the precedent of the arbitration between Venezuela and Great Britain over disputed territory, when the British were granted a large area of land on the grounds that they had exercised control over the native inhabitants of that area and that such control constituted effective occupation.

The Hudson's Bay Company and other Trading Companies have also been extending their operations in the Arctic, establishing posts there, but it is on the administrative control exercised by the Canadian Government that the Dominion chiefly relies to prove her title to the above area.

There are stationed at the present time in the Arctic and sub-Arctic regions thirty-one detachments of the Royal Canadian Mounted Police, with a total of 101 all ranks. In the Arctic Archipelago itself the government maintains seven permanent posts placed in strategic positions so as to dominate the whole archipelago, thus furnishing the control necessary to maintain title to these lands. Each of these posts is occupied by a non-Commissioned Officer and two or three men. They are distributed as follows: three on Baffin Island, one on Devon Island, two on Ellesmere, and one on Victoria Island. There is, in addition, the auxiliary power schooner, *St. Roch*, which rates as a floating detachment patrolling the Arctic generally.

From each post extensive patrols are made every year, and a general administration of the law and game regulations is maintained. In this connection a paragraph from the Royal Canadian Mounted Police Report for 1928 reads:

"In this connection I may notice the numerous patrols, some of them long and difficult, which form one of the traditions of this force. Particularly is this the case in the Arctic and sub-Arctic regions, where winter journeys of several hundred miles with dog-sleds have become a matter of routine. The seaplane also is becoming a means of travel. The Arctic coast-line from the Alaska boundary to the neighbourhood of the magnetic pole now is under regular observation and control, so are Hudson strait, Baffin island, North

* *Papers Relating to the Foreign Relations of the United States, and the Annual Message of the President Transmitted to Congress December 7, 1896, and the Annual Report of the Secretary of State* (Washington, DC: Government Printing Office, 1897), p. 235.

Devon island, and the southern half of Ellesmere island; while the western coast of Hudson bay and James bay also are policed".⁴⁸

In 1925-6, the patrols sent out from Baffin Island covered 6,000 miles, those from Ellesmere Island, 3,300. In 1927, the patrol mileage from the various posts was:

Ellesmere Island posts	1551
North Devon Island post	600
Baffin Island posts	4627
Victoria Island post	1252

During the last four years, patrols have been made annually to the Sverdrup islands, though no posts have as yet been established thereon. The posts are visited and inspected every year by an expedition sent out by the Canadian Government.

A variety of administrative duties are carried out. The police act as postmasters and customs collectors. Duty has been collected on whalers' and traders' outfits entering the Archipelago. The station at Bache Peninsula is, indeed, the most northerly customs-house and post office in the world. Assistance is given in the taking of the census, vital statistics are registered, meteorological and topographical information gathered, geological and biological expeditions organised and a great deal of surveying work done. Safeguarding the welfare and health of the natives is an important duty, and attempts are being made to have them adjust themselves to the white man's law as adapted to their special conditions.

Finally, by Order-in-Council, an Arctic Islands Preserve was created in July, 1926,⁴⁹ by which it was decreed that trading companies must secure the consent and approval of the Commissioner for the North West Territories before establishing trading posts anywhere in that area. The creation of this preserve and its appearance on our maps serves to notify the world that the area between the 60th and 141st meridians right up to the Pole is under Canadian sovereignty.

Conclusion.

It would appear that any claim Norway might make to the Sverdrup islands based on discovery, could not be substantiated in international law. If this is true, there would seem to be no reason why we should pay Captain Sverdrup \$200,000 on condition that Norway waive all rights to the islands in question, when those rights have already lapsed. It may, of course, be considered wise to do this rather than carry on a long argument in the matter, which would eventually have to go to arbitration. Or a grant might be made to Captain Sverdrup of grace, not of right, in return for which, though not as a quid pro quo, Norway might acknowledge the disputed islands as Canadian territory. This would undoubtedly strengthen our claim to the whole of the Canadian sector. The only other state that might dispute our claim thereto would be the United States. If she did, however, she would have to abandon, internationally, her title to the sector north of Alaska, which was granted her by the treaty with Russia.

Whether Canada's claim to the Arctic Archipelago can at present be established internationally, is disputable. Within a few years, however, owing to the increasing importance and extent of our administrative and governmental activities in that region, we could certainly make a very good case for Canadian ownership. The establishment of a post on Axel Heiberg, or the removal of Norwegian objections to our claims there, would make that case even stronger. A neutral observer, David Hunter Miller, puts it as follows:

⁴⁸ See *Report of the Royal Canadian Mounted Police for the Year Ended September 30 1928* (Ottawa F.A. Acland, 1929), p. 13. Voir *Rapport de la Gendarmerie à cheval du Canada, rapport de l'année close le 30 septembre 1928*, Ottawa, F.A. Acland, 1929, p. 14.

⁴⁹ See/ Voir doc. 415, footnote/ note en bas de page.

"So while it cannot be asserted that Canada's title to all these islands is legally perfect under international law, we may say that as to almost all of them it is not now questioned and that it seems in a fair way to become complete and admitted"⁵⁰

L.B. P[earson]

460.

Telegram from Acting Under-Secretary of State for External Affairs to High Commissioner in United Kingdom

Télégramme du sous-secrétaire d'État par intérim aux Affaires extérieures au haut-commissaire au Royaume-Uni

LAC/BAC, RG 25, vol. 2667, file/dossier 9057-A-40

Ottawa, 14th October, 1929.

No. 102. Code

Following for Skelton. Begins. I think it well to let you know that Livind Bordewick, Agent at Oslo of Canadian Pacific Railway Company for Norway, has written⁵¹ asking as to prospects for meeting with Canadian representative to discuss question of compensation to Commander Sverdrup. Consideration of proposal by Government was promised after report from Northern Advisory Committee. Cory, whom I have consulted, says additional information was to be obtained by you as Chairman of Sub-Committee from British authorities in London. Meantime I am not answering Bordewick's letter. Ends

[W.H. Walker]

461.

Letter from First Secretary, Department of External Affairs, to Director, Northwest Territories and Yukon Branch, Department of the Interior

Lettre du premier secrétaire, ministère des Affaires extérieures, au directeur, Secteur des Territoires du Nord-Ouest et du Yukon, ministère de l'Intérieur

LAC/BAC, RG 85, vol. 584, file/dossier 571

Ottawa, 28th October, 1929.

Dear Sir:

I am enclosing a copy of a report on "The Question of Ownership of the Sverdrup Islands",⁵² prepared at the request of Dr. Skelton. Before Dr. Skelton left for England he asked me to get in touch with you and Mr. McKeand about this report. I shall be glad to have any observations which you may care to make concerning it either in the way of adding to it or of correcting it. If you wish to see me personally about the matter, I shall be at your disposal at any time that is convenient to you.

Yours sincerely,

L.B. Pearson
First Secretary.

O.S. Finnie, Esquire,

Director, Northwest Territories and Yukon Branch,
Department of the Interior, Ottawa.

⁵⁰ Miller, "Political Rights in the Arctic," p. 53.

⁵¹ Doc. 459.

462.

Decoded Telegram from High Commissioner in United Kingdom to Acting Under-Secretary of State for External Affairs

Télégramme décodé du haut-commissaire au Royaume-Uni au sous-secrétaire d'État par intérim aux Affaires extérieures

LAC/ BAC, RG 25, vol. 2667, file/ dossier 9057-A-40

London, 30th October, 1929.

No. 98.

Following from Skelton, Begins: Your telegram⁵² No. 102. With further reference to proposal for compensation to Commander Sverdrup, I have discussed the question with representatives of Dominions and Foreign Offices and other departments interested. Government here would be prepared to cooperate by withdrawing in favour of Norway its claim to Jan Mayen Island, originally discovered by Hudson but recently occupied by Norwegians and formally annexed by Norway this summer. While this might be of some value, British claim is shadowy. After discussion here I am still of the opinion of Arctic Committee that it would be advisable in view of important Canadian interests concerned to offer some compensation. If Prime Minister and Minister of the Interior approve I should like to be advised what amount would be considered. I could then discuss with Bordevick here and report proposal for approval. Please bring to attention of Northern Advisory Committee. Ends.⁵³

[Peter Larkin]

463.

Letter from Assistant Secretary, Dominions Office, to Under-Secretary of State for External Affairs

Lettre du secrétaire adjoint, Bureau des Dominions, au sous-secrétaire d'État aux Affaires extérieures

LAC/ BAC, RG 25, vol. 2667, file/ dossier 9057-A-40

Dominions Office, Downing Street, S.W.1.
13th November, 1929.

My dear Skelton,

I meant to have given you the enclosed documents last night, but fear that, while talking of other things I omitted to do so. The Foreign Office are very anxious to get forward with their negotiations with the Norwegians, and if you could do anything to hurry Ottawa up, we should be very grateful. There is a meeting of the Antarctic Committee next Monday at 3.30 and if there were a reply from Canada before then we should like to consider the question at that meeting.

Yours sincerely,

H.F. Batterbee

O.D. Skelton, Esq., Ph.D.

⁵² Doc. 460.

⁵³ Action on this matter was delayed because both Prime Minister King and Minister Stewart were away from Ottawa. La prise de décision à cet égard a été retardée parce que le premier ministre King et le ministre Stewart étaient absents d'Ottawa.

Enclosure: Extract from Minutes of meeting of Interdepartmental Committee on the Antarctic

Pièce jointe : Extrait du procès-verbal de réunion du Comité interministériel sur l'Antarctique

[London]

A further meeting of the Interdepartmental Committee on the Antarctic was held in the Conference Room at the Colonial Office at 4.30 p.m. on Monday, the 28th October. Sir H. Batterbee was in the Chair, and the following were also present:—

Major Casey
Mr. Crabb
Admiral Douglas
Mr. Malkin
Mr. Bushe
Mr. Darnley
Mr. Borley
Mr. Elliot
Mr. Collier
Mr. Gurney
Mr. Moss Blundell
Mr. Collins
Mr. Dixon
Mr. Freeston
and Mr. Clutterbuck

Dr. O.D. Skelton, the Under Secretary of State in the Canadian Department of External Affairs, was present for the discussion of Items II and III.

[...]

II. Norwegian Annexation of Jan Mayen Island.

The CHAIRMAN recalled that the Norwegian Government had formally annexed Jan Mayen Island in May last and the position now was that the Committee were prepared to recommend that the Government here should recognise the Norwegian claim. It was considered, however, that some concession might be obtained from Norway in return for such recognition, and the Committee had felt that this might provide a favourable opportunity of assisting Canada in securing the abandonment of the Norwegian claim to the Otto Sverdrup Islands. His Majesty's Minister at Oslo had expressed some doubt whether recognition of the Norwegian claim to Jan Mayen Island would be a sufficient *quid pro quo* for the abandonment of the Norwegian claim to the Otto Sverdrup Islands, and it might be necessary, therefore, to consider whether we should not offer, as part of the bargain, to recognise also the Norwegian claim to Peter I Island. In the first instance, however, he would ask for the views of Dr. Skelton on the main proposal.

Dr SKELTON said that the position with regard to the Otto Sverdrup Islands was, in brief, that they had been discovered by a Norwegian expedition under Sverdrup in 1900-1902, but that since their discovery the Norwegians had taken no steps, by occupation or otherwise, to consolidate any claim which discovery might have given them. On the other hand, there were strong Canadian claims on the ground both of contiguity and of administrative arrangements. The Canadian Government had organised a number of patrols of the North West Mounted Police in the Arctic and these patrols had, in the last few years, been extended to the Otto Sverdrup Islands, which had thus been brought within the general range of Canadian administrative arrangements for the control of the Eskimos. In

fact, owing to Norway's failure to follow up her original discovery, the Islands have now been definitely included in the Canadian sector.

In the Spring of this year there had been a curious development. The Agent of the Canadian Pacific Railway in Norway, when in Canada earlier in the year, had produced a letter⁵⁴ from the Norwegian Prime Minister, which indicated that the Norwegian Government might give up its claim to the Otto Sverdrup Islands if the Canadian Government were prepared to make a grant to Sverdrup in recognition of his exploration in that region. It was understood that there would be no actual bargain, but that action by the two Governments should be taken simultaneously. The amount suggested in these unofficial overtures was £50,000 to £60,000.

No action had yet been taken by the Canadian Government on this suggestion. The amount proposed seemed out of the question, but it was quite possible that the Government might be prepared to make a small grant to Sverdrup in return for the definite and final abandonment of the Norwegian claim. In these circumstances an additional counter-weight e.g. the recognition of the Norwegian claim to Jan Mayen Island, would be very helpful. It seemed clear that political concessions of this nature would not alone suffice to secure the abandonment of the claim to the Otto Sverdrup Islands. Sverdrup himself was now an old man, and it was necessary that some provision should be made for him. There were, therefore, financial considerations which the Norwegian Government would doubtless press.⁵⁵

Mr. COLLIER, in reply to the Chairman, stated that the Norwegian claim to Jan Mayen Island was based on occupation, a meteorological station having been established on the Island for some years. There was no definite British claim to the Island, but the circumstances were rather similar to the Otto Sverdrup case since the Island had been discovered by a British subject and the discovery had not been followed up. It seemed, therefore, that the two cases would balance very well. An election was to take place in Norway within the next three months or so, and it seemed desirable, therefore, that if we were to proceed with the proposed bargain, action should be taken within the next month.

Dr. SKELTON agreed, and said that he would take up this matter with his Government and endeavour to obtain from them a decision as to the amount they would be prepared to pay to Sverdrup, in order that this might be communicated to the Norwegian Government at the same time. He added that if the arrangement was successful, the Canadian Government would probably prefer not to make any formal announcement but to leave matters as they were. The arrangement would, in fact, represent the relinquishment of the Norwegian title rather than acquisition of Canadian title.

[...]

⁵⁴ This was presumably the letter in which Sverdrup was told that he was free to make an approach to the Canadian government (see docs 435, 438, footnotes). There is no copy in Canadian files, and it seems unlikely that Bordewick provided an English translation, considering the stipulation in the letter that Norwegian commercial rights must be guaranteed.

Il s'agit vraisemblablement de la lettre dans laquelle Sverdrup était avisé qu'il était libre de faire des démarches auprès du gouvernement canadien (voir docs 435 et 438, notes en bas de page). Il n'y a aucune copie dans les dossiers canadiens, et il semble peu probable que Bordewick eut fourni une traduction en anglais, considérant l'exigence dans la lettre prévoyant que les droits commerciaux norvégiens devaient être garantis.

⁵⁵ This was not a complete account of Skelton's remarks; he also commented that it was unfortunate the matter had not been settled during the negotiations over Bouvet Island. See doc 472, minute by Clutterbuck. Ce n'était pas un compte rendu complet des remarques de Skelton, il fit aussi observer qu'il était malheureux que la question n'ait pas été réglée pendant les négociations sur l'île Bouvet. Voir doc. 472, note de Clutterbuck.

464.

Letter from Director, Northwest Territories and Yukon Branch, Department of the Interior, to First Secretary, Department of External Affairs
 Lettre du directeur, Secteur des Territoires du Nord-Ouest et du Yukon, ministère de l'Intérieur, au premier secrétaire, ministère des Affaires extérieures
 LAC/BAC, RG 25, vol. 2667, file/ dossier 9057-A-40

Ottawa, 14th November, 1929.

Dear Sir,

I have your letter of the 28th ultimo, with which you enclosed a copy of a report prepared in your Department, on the question of ownership of the Sverdrup islands.

When Captain Sverdrup's claim, which was put before the Government by Mr. Bordewick, was given consideration by the Northern Advisory Board, it was the opinion of the Board that Captain Sverdrup would probably accept a very much less sum than \$200,000.00 for his notes and such claim as the Government of Norway might have to the islands. There is, I think, nothing to correct in your report, but possibly it would be in order to express the opinion that while \$200,000.00 seems an excessive sum to pay Captain Sverdrup, consideration might be given to paying him a lesser amount for his notes. His report was of value to the officers of our Government. Colonel Starnes, at the meeting of the Northern Advisory Board, made the statement that Inspector Joy, in his patrols to the western Arctic, found Sverdrup's map and report very accurate and of great value to him.

My own personal opinion is that the review is a very excellent one but you might consider it advisable to secure an official expression of opinion from the Commissioner and Council of the North West Territories. If you decide to do this I would suggest you forward the statement to Mr. W.W. Cory, C.M.G., who is the Commissioner. Copies could then be made and placed in the hands of each member of Council who would be given an opportunity to express their views. In this way the matter can be disposed of officially.⁸⁰

Yours truly,

O.S. Finnie,
 Director.

L.B. Pearson, Esq.,
 First Secretary, Dept. of External Affairs,
 Ottawa.

⁸⁰ This does not seem to have been done, but before writing this letter Finnie himself had sent Pearson's memo to a few other officials in the Department of the Interior. George Mackenzie had no criticisms to make except in the matter of the amount to be paid to Sverdrup. I.B. Harkin expressed some concern that Pearson might have over-emphasized the sector theory at the expense of occupation, on the basis of which Harkin believed that Canada had an excellent claim to sovereignty over the entire archipelago.

Ceci ne semble pas avoir été fait; mais avant d'écrire cette lettre Finnie lui-même avait envoyé le mémoire de Pearson à quelques autres responsables du ministère de l'Intérieur. George Mackenzie n'eut aucune critique à faire sauf sur la question de la somme à payer à Sverdrup. I.B. Harkin dit craindre que Pearson ait accordé une plus grande importance à la théorie des secteurs aux dépens de l'occupation, sur la base de laquelle, selon Harkin, le Canada avait d'excellents motifs de revendiquer la souveraineté de tout l'archipel.

See. Voir Mackenzie to Finnie, 31 October 1929, and et Harkin to Finnie, 7 November 1929, LAC BAC, RG 85, vol. 584, file dossier 571.

465.

Decoded Telegram from High Commissioner in United Kingdom to Acting Under-Secretary of State for External Affairs

Télégramme décodé du haut-commissaire au Royaume-Uni au sous-secrétaire d'État par intérim aux Affaires extérieures

LAC/ BAC, RG 25, vol. 2667, file/ dossier 9057-A-40

London, November 23, 1929.

No. 108.

Following from Skelton, Begins: Our telegram⁵⁷ No. 98 regarding Sverdrup claim. Norwegian Prime Minister, in speech⁵⁸ on Norwegian policy in Polar Region[s], 10th November, insisted on special interest in connection with Arctic and Antarctic and objected to doctrine of Polar Sector put forward by Canada, Australia, Soviet Union and other countries. I should be glad to receive any answer as soon as possible next week to my telegram No. 98 as British Government wishes to take definite action regarding Jan Mayen Island and I have promised to discuss question with Bordewick here before returning. Ends.

[Peter Larkin]

466.

Minutes of meeting of Northern Advisory Board

Procès-verbal de réunion du Conseil consultatif du Nord

LAC/ BAC, RG 25, vol. 2669, file/ dossier 9062-C-40

Copy/ Copie

MINUTES OF A MEETING OF THE NORTHERN ADVISORY BOARD
HELD ON TUESDAY, THE 26TH NOVEMBER, 1929,
IN THE OFFICE OF THE DEPUTY MINISTER OF THE INTERIOR.

PRESENT:

Mr. W.W. Cory (In the Chair),
Mr. R.A. Gibson,
Colonel Cortlandt Starnes,
Dr. Charles Camsell,
Mr. J.D. Craig,
Mr. O.S. Finnie,
Mr. J.B. Harkin,
Major D.L. McKeand (Secretary).

⁵⁷ Doc. 462.

⁵⁸ See Voir "Rights in Polar Regions. Norwegian Claims," *The Times* (London- Londres), 13 November 1929, p. 13, "Freedom of Polar Regions: Norwegian Policy," *The Times*, 19 November 1929, p. 15.

By the time Skelton's telegram was written, the story had already been picked up by Canadian newspapers, and the Department of the Interior had strongly upheld Canada's claim to the Sverdrup Islands. Avant que le télégramme n'ait été écrit, l'histoire avait déjà été publiée par les journaux canadiens, et le ministère de l'Intérieur avait soutenu avec vigueur la revendication du Canada des îles Sverdrup.

For example, see Par exemple, voir "Canada Unyielding in Claim to Arctic Policy Regarding Northern Archipelago Has Not Changed Norway is Answered," *Globe* (Toronto), 21 November 1929, p. 5.

IN ATTENDANCE:

Mr. J.A. Wilson -- representing Mr. G.J. Desbarats,
Mr. W.H. Walker -- representing Dr. O.D. Skelton,
Mr. G.P. Mackenzie,
Mr. K.R. Daly.

[...]

2. Sovereignty over Axel Heiberg, Ellef Ringnes, Amund Ringnes and King Christian Islands.

The present meeting was called for the purpose of discussing again the application of Captain Otto Sverdrup, as contained in his letter⁵⁹ dated the 22nd April, 1929, addressed to the Prime Minister, so that Dr. Skelton, who is at present in England, might be advised of the final recommendation of the Board.

In opening up the discussion the Secretary read a portion of the preface to Captain Sverdrup's work "New Land" in which information was given as to the financing of the 1898-1902 expedition of the "Fram". He also read Captain Sverdrup's letter of the 22nd April, 1929, to the Prime Minister. A general discussion followed and the opinion was expressed that while Norway had no good claim to sovereignty over the so-called "Sverdrup Islands", Captain Sverdrup had obtained valuable data pertaining to the Canadian Arctic archipelago, and that the information so obtained had been of value to the Canadian Government. In this connection it was pointed out that in his patrols, Inspector Joy of the Royal Canadian Mounted Police, had taken with him a copy of Sverdrup's narrative covering his exploration of the territory and found the account to be quite accurate and of considerable service.

The opinion was expressed that in the event of the Government deciding to compensate Captain Sverdrup for his services, it might be advisable for Dr. Skelton to endeavour to have the Norwegian Government make representations to Canada regarding compensation for Captain Sverdrup, a Norwegian citizen who had made a valuable contribution to the scientific knowledge of the Canadian Arctic.

It was moved by Colonel Starnes and seconded by Mr. Harkin that the Board transmit a copy of the Minutes of today's meeting, together with copies of the Minutes [of the meetings held on 30 and 31 May 1929] read by the Secretary at this meeting, with the exhibits pertaining thereto, to the Minister of the Interior for submission to the Governor in Council with a recommendation that Dr. Skelton be authorized to negotiate with Captain Sverdrup, or his representative, with a view to settling the matter of compensation, that the amount of compensation do not exceed \$25,000 or, if in the form of an annuity during the lifetime of Captain Sverdrup, \$2,400 (which is the amount of the pension now granted to Captain Bernier), it being made perfectly clear that this gratuity or annuity would be granted as compensation for the work he had done in Canada's Northern archipelago, and for the additional data he is prepared to turn over to the Canadian Government, and that Dr. Skelton be given a free hand to settle the matter as he deems most advisable, keeping in mind the terms of Captain Sverdrup's letter to the Prime Minister.

The meeting then adjourned.

⁵⁹ Doc. 438, enclosure pièce jointe.

467.

Memorandum for Prime Minister by Acting Under-Secretary of State for External Affairs

Note à l'intention du premier ministre du sous-secrétaire d'État par intérim aux Affaires extérieures

LAC/ BAC, RG 25, vol. 2667, file/ dossier 9057-A-40

MEMORANDUM FOR THE PRIME MINISTER [W.L.M. KING]

With reference to the question of the compensation of Commander Sverdrup, the Norwegian explorer, which has been under the consideration of the Northern Advisory Committee in the Interior Department, I have just received the attached letter† with its enclosures from the Acting Deputy Minister of the Interior, containing the recommendations of the Northern Advisory Committee, which Mr. Gibson tells me Mr. Stewart has discussed with you.

In accordance with his suggestion I submit a draft† of a telegram⁶⁰ to Dr. Skelton in reply to one† received from him today (attached herewith) saying that he would appreciate immediate instructions in the matter.⁶¹

W.H. Walker

Ottawa, 29th November 1929.

468.

Telegram from Secretary of State for External Affairs to High Commissioner in United Kingdom

Télégramme du secrétaire d'État aux Affaires extérieures au haut-commissaire au Royaume-Uni

LAC/ BAC, RG 25, vol. 2667, file/ dossier 9057-A-40

Ottawa, 30th November, 1929.

No. 121. Code

Following for Skelton. Begins. Your telegram 29th Sverdrup claim. Government prepared to consider compensation to Sverdrup amounting to \$25,000.00 and you might take up negotiations on this basis with Bordevick as you suggest and report proposal for approval. Ends.

[W.L.M. King]

⁶⁰ See next document./ Voir le document suivant.

⁶¹ Marginal note:/ Note marginale :

Approved. W.L.M. K[ing] Nov. 30 1929

469.

Letter from Eivind Bordewick to Prime Minister**Lettre d'Eivind Bordewick au premier ministre****LAC/BAC, RG 25, vol. 2667, file/dossier 9057-A-40**

Hon. W.L. Mackenzie King, LL.D.

Prime Minister for Canada,

Parliaments Building, Ottawa.

Sir,

With reference to Commander Otto Sverdrup's letter of April 22nd, last relative to his claim for compensation for the discovery and exploration of the Sverdrup Islands, I have the honour to state that at the telegraphic request of Doctor O.D. Skelton I attended in Paris on the 5th. inst. together with Commander Sverdrup, to discuss the question concerned.

Meetings were held on December 5th and December 6th and were attended by Doctor O.D. Skelton, Minister Lepointe [Lapointe], Commander Otto Sverdrup and myself.

At the first meeting Doctor Skelton put forward the view, that, as the Canadian Government had been advised by the British Foreign Office that with regard to the question of the Sovereign Rights of Norway, the Norwegian Minister in London had expressed before Lord Cushendun Norway's willingness to relinquish her rights as compensation for Bouvet Island,¹ Commander Sverdrup's claim should be reduced to one for reward for personal services rendered. Doctor Skelton therefore made an offer of \$2,400.- per annum for life, or \$25,000.- once and for all.

This attitude was new to us and did not agree with the official Norwegian instructions and information we had received. Accordingly on my return to Oslo I approached the Norwegian Foreign Office on the subject, and am now informed that, the Norwegian Minister in London neither had been instructed to or had been authorized to relinquish Norway's sovereign rights to the Sverdrup Islands in the negotiations in regard to the matter of the Bouvet Island, further that there had been no discussion at all regarding the relinquishment of these sovereign rights in compensation for the Bouvet Island.² It is further re-affirmed that the present Norwegian Government still is willing to relinquish the sovereign rights of the Sverdrup Islands as stated in par. 2 in Commander Sverdrup's letter under reference. Further, that the matter of Bouvet Island was settled as an Act of Grace on the part of Great Britain and that the question of sovereign rights and compensation does not, therefore, arise at all. Moreover, settlement on these grounds has been strongly emphasized by Great Britain. With regard to the question of "Occupation" I beg to call attention to, that Commander Sverdrup not only discovered but also explored, mapped and

¹ Although Vogt did raise the question of the Sverdrup Islands during this conversation, he made no explicit offer of an exchange. Bien que Vogt ait soulevé la question des îles Sverdrup pendant sa conversation, il ne fit aucune offre explicite d'échange. See: Voir doc. 435.

² Skelton was aware that the Sverdrup Islands had not been part of the agreement with Bouvet Island, but evidently he wanted to emphasize that if Norway placed priority weight on occupation then England in the one case, logically, it must do the same in the other. Skelton était au courant que les îles Sverdrup n'avaient pas fait partie de l'accord sur l'île Bouvet, mais il voulait de toute évidence insister sur le fait que, si la Norvège mettait plus de poids sur l'occupation que sur la découverte dans un cas, elle devait logiquement faire de même dans l'autre.

named the islands and occupied the lands in the name of the Kingdom of Norway as per declarations deposited in cairns at two places of these islands.⁶⁴

I understand that the Norwegian Minister in Paris, Mr. Wedel Jarlsberg, in a private conversation with Minister Leponte and Doctor Skelton suggested a sum of \$100,000.- as a suitable and modest minimum personal reward. If, as stated by Doctor Skelton, the Canadian Government offer to treat Commander Sverdrup in the same manner as they have treated Commander Bernier, it would seem that the sum of \$100,000.- suggested would be appropriate, as, calculating the pension of \$2,400.- per annum as payable from 1902 (the year of Commander Sverdrup's return) to the present time, and estimating Commander Sverdrup's life at 10 more years, the figure arrived at would be about \$100,000.- without interest. I am authorized to add that Commander Sverdrup would be glad to accept this sum as his personal reward.

There remains the question of the outlays of the Norwegian national expedition. These, as you are aware, according to the attached specified list,[†] amounted to \$200,900.- In this connection, I would refer to Minister Leponte's enquiry and to my reply thereto, during our second meeting in Paris, when Minister Leponte, Doctor Skelton, Commander Sverdrup and myself were present. Minister Leponte inquired: "It would be of interest to know what the value in Dollars and Cents of these explorations, the mapping of the lands &c. would be for Canada". To this I replied: "Provided Canada would, sooner or later have had to have undertaken a similar exploration of these lands, and presuming that this had not already been completed by Commander Sverdrup as early as during the years 1898-1902, it is easy to find out what it would have cost Canada nowadays in dollars and cents. According to the specified list of expenses of the expedition, it appears that item 7, Wages paid by Sverdrup to his crew, consisting of a staff of 5 scientific men and 10 experienced navigators and men experienced in exploration in the Arctic, amounted to \$26,725. This means, simply, the astonishing small sum of about \$33.- per month per man for these 15 gallant explorers. Commander Sverdrup himself does not appear on this payroll, as he up to this moment has never received a cent for his work. May I ask you, Gentlemen, what the cost nowadays would be for a similar expedition. I think you will agree that the cost would be between three and five times as much. About the same comparison can be used in considering the other eight items of the expenditure relating to the cost of the Sverdrup Expedition, which as a matter of fact was equipped for fully 6 years. Only one item would, possibly, not be larger, viz. item 3, the Marine Insurance of the ship. Replying to the Minister's question I would therefore say, that the amount of \$200,900.- representing the expenditure of Commander Sverdrup's expedition is the very lowest estimate of the value these explorations would have for Canada, and, I may add, that nowadays such an expedition would cost not far from one million dollars. In this connection I beg to appeal to Commander Sverdrup himself, who is better posted than anybody else regarding these matters, whether I am correct or not". To this Commander Sverdrup simply replied: "The statement is correct to the point". I concluded with a strong appeal to the highest authority of Justice in Canada, Minister Laponte, as a member of the Canadian Cabinet, to induce his

⁶⁴ These activities did not meet the accepted criteria for effective occupation. On the alleged contents of the notes left by Sverdrup, see docs 332, 343, 438, footnotes. When questioned by Minister Stewart during his visit to Ottawa, Bordewick was apparently unable to provide details of Sverdrup's alleged territorial claims: see doc. 445. Ces activités ne répondirent pas aux critères acceptés d'occupation réelle. Sur les présumés contenus des notes laissées par Sverdrup, voir docs 332, 343 et 438, notes en bas de page. Lorsque questionné par le ministre Stewart pendant sa visite à Ottawa, Bordewick fut apparemment incapable de fournir des détails des revendications territoriales de Sverdrup, voir doc. 445.

Government to pay Commander Sverdrup a reward in accordance with a correct valuation of his achievement.

I consider it reasonable that the Canadian Government should refund the cost of the expedition as it was equipped and sent out as a national enterprise with the idea of securing advantages for the Norwegian nation. In the event of Canada securing the sovereign rights, the advantages accrue to Canada and not to Norway.

I would also draw your attention to the fact that, when Commander Sverdrup in April last acquired the consent of the Norwegian Government to relinquish the sovereign rights of the Sverdrup Islands to Canada, this was also due to the statement given by Commander Sverdrup that he, in addition to a personal reward, also would claim a refund of the expenditure incurred by the expedition, and paid for, partly by him, and partly by Commander Sverdrup's numerous friends and admirers among the Norwegian people.

In conclusion I venture to put before you the observations stated above and the request that you will be able to see your way to treat this application from Commander Sverdrup, representing a friendly nation, with sympathy and generosity.

I have the honour to be,

Sir,

Your obedient Servant,

Eivind Bordewick

Oslo, December 13th. 1929.

470.

Code Telegram (Paraphrased) from Secretary of State for Dominion Affairs to High Commissioner of United Kingdom

Télégramme codé (paraphrasé) du secrétaire d'État aux Affaires des Dominions au haut-commissaire du Royaume-Uni

TNA, DO 114/34

Printed copy/ Copie imprimée

[London, 19 December 1929]

Confidential, No. 267.

Hadow's letter⁶⁵ of 11th September to Dixon. Skelton attended on 28th October meeting of Interdepartmental Committee for discussion of Jan Mayen and Otto Sverdrup question. From later information received from Oslo it appeared that the Norwegian attitude was likely to be less accommodating than anticipated at the date of my Confidential despatch⁶⁶ No. 131 of 30th August. It was agreed, however, that an attempt should be made to secure abandonment of the Norwegian claim in return for an acknowledgment of Norwegian sovereignty over Jan Mayen Island (and perhaps also Peter I Island) with the added consideration of a pecuniary *ex gratia* grant to Sverdrup, and that on this basis there was a fair prospect of success. Action was suspended until Skelton could obtain the approval of his Government and ascertain precise amount of the grant they would be prepared to make to Sverdrup. He did not, however, succeed in doing this before he left this country. The matter is now urgent as the Foreign Office regard it as most desirable in view of the forthcoming general election in Norway, that if we are to proceed with the proposed bargain, action should be taken without further delay.

⁶⁵ This letter forwarded Hadow's memo of the same date. / Cette lettre envoyait la note de Hadow datée du même jour.

Will you please therefore approach Skelton immediately on his return and ask him to let you have the earliest possible intimation (1) whether Canadian Government approve course outlined above and (2) if so, the amount of the proposed grant to Sverdrup.

Following for your personal information only. Private letter⁶⁶ from Legation at Oslo indicates that Palmer, the Canadian Trade Commissioner, is in touch with Sverdrup "group" at Oslo who are said to be "becoming impatient to get something fixed up with Canada" and has helped them to draft recent telegrams to Skelton in which very large sum of compensation, it is understood, is demanded.

[Passfield]

471.

Decoded Telegram (Paraphrased) from High Commissioner of United Kingdom to Secretary of State for Dominion Affairs

Télégramme décodé (paraphrasé) du haut-commissaire du Royaume-Uni au secrétaire d'État aux Affaires des Dominions

TNA, DO 114/34

Printed copy/ Copie imprimée

[Ottawa,] 23rd December [1929]

[Secret?] No. 279.

Your telegram No. 267 of 19th December. Skelton who was not available until to-day, states that Mr. Lapointe is endeavouring to persuade the Department concerned substantially to increase its offer to Sverdrup of 25,000 dollars which Skelton regards as inadequate. No decision is likely, unfortunately, before the new year though the need for haste is fully realised. Skelton although unwilling to commit his Government formally, sees no objection to course [one?] outlined, but he considers that the crux of the matter is compensation outlined above.

I will press for a definite reply as soon as possible.

[William Clark]

472.

Letter from First Secretary, Foreign Office, to Assistant Secretary, Dominions Office

Lettre du premier secrétaire, Foreign Office, au secrétaire adjoint, Bureau des Dominions

TNA, DO 35/81

Foreign Office, S.W.1.
24th December, 1929.

(N 5883/1804/30).

Dear Sir Harry Batterbee,

I enclose a copy of a memorandum by Sir R. Lindsay recording a conversation with the Norwegian Minister about the Sverdrup Islands.

Monsieur Vogt is right in his description of what took place over Bouvet Island, but I am not sure that he has correctly represented the attitude of the Canadian Government. It would be useful for us to know what is the attitude of that government. Do you expect to hear something further from Dr. Skelton shortly?

⁶⁶ Not found./ Non retrouvée.

I imagine that the whole question will be discussed again very soon by the Antarctic Committee.

Yours sincerely,

Laurence Collier

Sir H.F. Batterbee, K.C.V.O., C.M.G.

Enclosure: Memorandum by Permanent Under-Secretary of State for Foreign Affairs
Pièce jointe : Note du sous-secrétaire d'État permanent aux Affaires étrangères
Copy/ Copie

Western Department.

The Norwegian Minister called today and, speaking without any instructions from his Government, informed me that, according to a telegram he had received from Oslo, the representatives of Captain Sverdrup in Canada had been informed by the Canadian Secretary of State that the Norwegian claim to [the] Sverdrup Islands fell to the ground as the result of the arrangement in virtue of which His Majesty's Government had abandoned their claim to Bouvet Island. M. Vogt said that he had answered that the arrangement in regard to Bouvet Island was connected with the declaration which the Norwegian Government made about abstention from any intention to annex certain antarctic regions specified by the Imperial Conference, and with their declaration about whaling. In the discussions which had taken place he had indeed used the position of the Sverdrup Islands as an argument to defend the position which he had always taken as regards Bouvet Island, but the final arrangement about the latter had been purely antarctic in its character.

I told the Minister that my own recollection of the matter coincided with his.

Still speaking personally, the Minister said that he did not himself think that the Norwegian claim to sovereignty over the Sverdrup Islands was very serious, and indeed it was hardly a practical question at all; he did feel strongly that Captain Sverdrup merited some compensation for his personal property claim in those islands, and that this would be the backbone of any claims which the Norwegian Government might put forward in regard to those territories.

[R.C. Lindsay]

11 December, 1929.

Minutes/ Notes

[...]

This conversation with the Norwegian Minister was important and it is unfortunate that FO shd. only now have sent us a record of it. Mr Collier's letter within was written before receipt of the HC's tel⁶⁷ [...] and he [Collier] agrees that in the circs. it would be well to telegraph as in draft h[ere]with.

You will remember that at the meeting of the Antarctic Ctee which he attended⁶⁸ Dr Skelton said that the time to have settled the Norwegian claim to the O.S. Islands was during the discussions over Bouvet Island, and the Canadians may well have used the Bouvet Island argument as a first step in the negotiations. There can be no doubt however that the Norwegian Minister is right in his contention. What happened was that in his

⁶⁷ 12 December 1929; see: voir TNA, DO 114 34.

⁶⁸ See: Voir doc. 463, enclosure pièce jointe.

struggle against giving us the assurance we desired in return for the withdrawal of our claim to Bouvet Island the Norwegian Minister said that "if there was to be some *quid pro quo* ... such a one might be held already to exist at the opposite extremity of the globe" – i.e. that Norwegian acquiescence in C'dian sovereignty over the O.S. Islands might be held to counterbalance Brit. acquiescence in Norwegian sovereignty over Bouvet Island. We maintained however that these were entirely separate matters and as the Norwegian Govt. finally met us by giving the assurances for which we had pressed we can have no ground for claiming that they threw in the O.S. Islands as part of the bargain. The Canadians fully realise this – as indicated by Dr Skelton's remarks at the Antarctic Ctee.

It is curious that Dr Skelton has told us nothing of the negotiations either in Paris or C'da with the Sverdrup representatives. He may do so however when he is in a position to put forward an officially approved figure.

? send off tel. as in draft h'with.⁶⁹

[...]

P.A. Clutterbuck 31/12

C.W. Dixon 31/12/29

H.F. B[atterbee] 31.XII.29

473.

Memorandum from Controller of Civil Aviation to Deputy Minister of National Defence

Note du contrôleur de l'aviation civile au sous-ministre de la Défense nationale

*LAC/ BAC, RG 24, file/ dossier 4850, reel/ bobine C-5072*⁷⁰

January 2, 19[3]0.

NORTHERN ADVISORY BOARD. CAPTAIN SVERDRUP'S CLAIMS.

D.M. [G.J. Desbarats]

1. A meeting⁷¹ of the board was held at 11.00 A.M. on the 31st of December, in the office of the Deputy Minister of the Interior for further discussion of this subject. Dr. Skelton presided and among those present were:

Dr. Campbell Scott,

Colonel Starnes,

Mr. Roy Gibson,

Mr. Finnie,

Mr. Harkin,

Mr. Mackenzie.

⁶⁹ The contents of this telegram are summarized in doc. 474. Le contenu de ce télégramme est résumé dans doc. 474.

⁷⁰ The original of this file has been destroyed. The microfilm copy is of very poor quality, and the ends of some lines in this document have been cut off./ L'original de ce dossier a été détruit. La copie microfilm est de très piètre qualité et la fin de certaines lignes de ce document a été tronquée.

⁷¹ No other record of this meeting was found, and it is possible that no formal minutes were taken. Aucun autre compte rendu de cette réunion n'a été trouvé, et il est possible qu'aucun procès-verbal formel ne fut établi.

2. Dr. Skelton reported on his interviews with Mr. Bordinwick and Captain Sverdrup and also conversations with the Norwegian Minister [in] Paris on this subject and read a letter, of which the attached is a copy, from Mr. Bordinwick to the Prime Minister, restating Captain Sverdrup's [claims?].

3. The offer of a lump sum of \$25,000 [or] a life pension of \$2400 had been considered inadequate by Captain Sverdrup and his representative[s?] and the claims now being put forward amounted to some \$300,000, of which \$100,000 might be considered as compensation for Captain Sverdrup's personal service and the other \$200,000 being the cost of [the] Sverdrup expedition.

4. After discussion a sub-committee was formed consisting of Dr. Skelton, Mr. Desbarats, [Dr.] Scott, Colonel Starnes and Mr. Finnie, to give [the] matter further consideration and draft a report [for] submission to Privy Council. This committee [is?] authorized to consider granting an increased recompense to Captain Sverdrup not to exceed \$100,000. The claim for reimbursement for the total cost [of the] expedition should not, in the opinion of the [Board,] be considered. This committee will meet in Dr. Skelton's office at 11.00 A.M. on the 3rd of January.⁷³

5. The following points were brought [up?] during the discussion:—

(a) Mr. Lapointe, who had been a party to [the] discussions in London and Paris, had considered the previous offer too [small?] though he probably had not considered [it in?] relation to the pension of Captain Bernier, the Canadian explorer, who had done [word illegible] mot ilisible] work over many years for the Government in the Arctic.

(b) Dr. Scott suggested that to meet any criticism on that point, it might be advisable if further compensation to Captain Sverdrup [was] considered, to give him a lump sum, say of \$50,000 plus a life pension of \$2400, which is the sum now paid annually to Captain Bernier.

(c) The Norwegian Minister in Paris had been very much surprised to learn of the offer made by the Norwegian Minister in London to Lord Cushendun, to waive the Norwegian claims to [these?] Arctic Islands if Great Britain would recognise Norway's claims in the Antarctic. He had told Mr. Lapointe and Dr. Skelton that this offer had been made quite without the authority or the knowledge of the Norwegian Government.

(d) Dr. Skelton was evidently impressed with the desirability of obtaining a formal recognition of Canada's claims to the Arctic Islands from [the] Norwegian Government and would be prepared to [make?] a considerable sacrifice to obtain this. He [feared?] that the matter might be submitted to some [tribunal] which might give greater weight to theoretical conditions and claims than the actual situation now existing in the north. He also stated that public opinion in Norway was stirred up over [the] matter of the Antarctic and Arctic claims [as it was?] felt that their explorers had played a very important part in polar discoveries and that other nations had from time to time made territorial claims over lands originally discovered by Norwegians.

6. In conversation with Dr. Scott and Dr. Skelton after the meeting, I ventured to suggest that if there were any question of a large sum of money to be paid in compensation, it might be better to spend it by making more effective our occupation of and control over the northern islands, through establishment of additional posts, which would be [the] best way

⁷² Doc. 469.

No minutes of the subcommittee's meeting were found. The offer that was decided on is contained in doc. 477. Aucun procès-verbal de la rencontre du sous-comité ne fut trouvé. L'offre qui fut décidée se trouve détaillée dans le document 477.

to secure the Canadian position. In this connection, the movement to obtain further meteorological data from the polar regions might be considered.

Submitted

J.A. Wilson,
Controller of Civil Aviation.

474.

Letter from First Secretary, High Commission of United Kingdom, to Under-Secretary of State for External Affairs

Lettre du premier secrétaire, haut-commissariat du Royaume-Uni, au sous-secrétaire d'État aux Affaires extérieures

LAC/ BAC, RG 25, vol. 2667, file/ dossier 9057-A-40

Ottawa, 3rd January, 1930.

Secret.

My dear Doctor,

As a result of information sent to Oslo by the representatives of Sverdrup in Canada, the Norwegian Minister in London [Benjamin Vogt] called on Sir Ronald Lindsey at the Foreign Office to say that the Secretary of State in Ottawa apparently considered the Norwegian claim to the Sverdrup Islands as having been abrogated when Great Britain and Norway concluded an agreement for the abandonment of the British claim to Bouvet Island. The Norwegian Minister felt that this was not the case because, despite the arguments regarding the Sverdrup Islands, to which reference was made in Dominions Office despatch† No. 525, Secret, of the 6th November, 1928, addressed by Mr Amery to the Canadian Government, the agreement regarding Bouvet Island had, in the end, concerned only the Antarctic. Sir Ronald Lindsey had much the same recollection.

For your private and confidential information the Norwegian Minister expressed his purely personal belief that the Norwegian claim to the Sverdrup Islands was not a very serious one and was being put forward mainly as a background to the claim for compensation on behalf of Sverdrup. This, I believe, is also your point of view.

In instructing Sir William Clark to inform you of this interview, the Secretary of State has asked him to do what he can to ascertain whether the Canadian Government agrees to an early attempt being made to secure the abandonment of the Norwegian claims to the Sverdrup Islands in return for an acknowledgement of Norwegian sovereignty over Jan Mayen Island (and perhaps also Peter I Island) and consideration of an ex gratia pecuniary grant to Sverdrup. As you will see the chances of success seem intimately bound up with the amount of this grant which, if you see no objection, might be communicated privately to the Dominions Office either for their own information, or for such use as they can make of it.

Knowing how busy you are at the moment I hesitate to trouble you, but, as I explained to you the other day, the matter is urgent on account of impending political changes in Norway.

Yours sincerely,

R.H. Hadow

Dr. O.D. Skelton, M.A.,

Under-Secretary of State for External Affairs.

475.

Code Telegram from Secretary of State for Dominion Affairs to High Commissioner of United Kingdom

Télégramme codé du secrétaire d'État aux Affaires des Dominions au haut-commissaire du Royaume-Uni

TNA, DO 35/81

[London,] 6th January, 1930.

Immediate. Secret. No. 7.

My Secret telegram⁴² No. 1. It is necessary owing to recent developments in the Antarctic to make immediate plans for a general settlement with the Norwegian Government on outstanding questions. The Interdepartmental Committee has been specially summoned to consider the situation in the afternoon of January 8th. If no answer is received before then to the questions put in my confidential telegram No. 267 of 19th December we may be compelled to proceed independently leaving the Otto Sverdrup question to be dealt with separately later. We feel sure that Skelton would agree that this would be very unsatisfactory both from the Canadian and the United Kingdom point of view. Please make appeal in this sense to him.

[Passfield]

476.

Letter from First Secretary, High Commission of United Kingdom, to Under-Secretary of State for External Affairs

Lettre du premier secrétaire, haut-commissariat du Royaume-Uni, au sous-secrétaire d'État aux Affaires extérieures

LAC/ BAC, RG 25, vol. 2667, file/ dossier 9057-A-40

Ottawa, 7th January, 1930.

Urgent and Confidential.

My dear Doctor,

Since my letter of the 3rd January was written we have received an urgent telegram stating that recent developments in the Antarctic have made it essential to arrive at a general settlement with the Norwegian Government on outstanding questions connected with their claims in the Antarctic and Arctic. An inter-departmental committee is, therefore, to meet in London tomorrow afternoon, the 8th January, which, owing to the difference in time is equivalent to ten o'clock tomorrow morning in Canada. The Dominions Office think it would be most unsatisfactory both from the point of view of Canada and Great Britain if the Otto Sverdrup question had to be left out of the discussions and dealt with separately at a later date. The Secretary of State has therefore asked Sir

⁴² New land in the Antarctic sector claimed by Britain had been discovered by the captain of the Norwegian whaling ship *Norvegia*. British officials feared that this discovery might upset the agreement reached in November 1928 (see doc. 435, footnote). However, by the time the meeting was held, it was already clear that the Norwegian government did not intend to claim this land (see doc. 478).

Une nouvelle terre dans le secteur de l'Antarctique revendiquée par la Grande-Bretagne avait été découverte par le capitaine du baleinier norvégien *Norvegia*. Les responsables britanniques craignaient que cette découverte puisse contrevenir à l'accord conclu en novembre 1928 (voir doc. 435, note en bas de page). Cependant, au moment où la réunion eut lieu, il était déjà clair que le gouvernement norvégien n'avait pas l'intention de revendiquer cette terre (voir doc. 478).

William Clark to do all in his power to obtain a reply to the questions set out in my letter of the 3rd January which may be summarised as follows:—

(i) Does the Canadian Government agree to an early attempt being made to secure the abandonment of the Norwegian claims to the Sverdrup Islands in return for an acknowledgement of Norwegian sovereignty over Jan Mayen Island (and perhaps also Peter I Island) and consideration of an *ex gratia* pecuniary grant to Sverdrup[?]

(ii) If so, what would be the amount of such an *ex gratia* payment?

Lord Passfield fully appreciates the difficulty of giving an answer within so short a time, but, as you will have seen in the papers, the Norwegian claims in the Antarctic have to be dealt with at once, and it might be easier to settle the Sverdrup question in conjunction with all the others than to negotiate a subsequent and separate settlement.⁷⁵

Yours sincerely,

R.H. Hadow

Dr. O.D. Skelton, M.A.,

Under-Secretary of State for External Affairs.

477.

Letter from Under-Secretary of State for External Affairs to First Secretary, High Commission of United Kingdom

Lettre du sous-secrétaire d'État aux Affaires extérieures au premier secrétaire, haut-commissariat du Royaume-Uni

LAC/BAC, RG 25, vol. 2667, file/ dossier 9057-A-40

Copy/ Copie

Ottawa, 7th January, 1930.

My dear Mr. Hadow,

Your letters of January 3rd and January 7th, regarding the Norwegian claim to the Sverdrup Islands, have been considered by the Northern Advisory Board and their recommendations have since been approved by the Ministers concerned.

We should therefore be obliged if you could inform the Secretary of State for Dominion Affairs that an interview was held in Paris on December 5th and 6th by Mr. Lapointe and myself with Commander Sverdrup and his representative Mr. Bordevick. The Norwegian Minister to France also made representations on Commander Sverdrup's behalf. They were informed that the Canadian Government was prepared to make a pecuniary grant to Commander Sverdrup in recognition of his services to scientific research in the Canadian Archipelago. The amount proposed, \$25,000 or a life annuity of \$2400, was not considered adequate by Commander Sverdrup. The matter has therefore been further reviewed since the return of Mr. Lapointe and myself to Canada.

In reply to the specific questions in your letter of the 7th January, we should be obliged if you could inform Lord Passfield

(1) that the Canadian Government, while maintaining its claim to sovereignty over the whole of the Arctic Archipelago within the Canadian sector, and while not wishing to

⁷⁵ A meeting of the Northern Advisory Board was called on the same day to consider this letter, along with Hadow's letter of 3 January. No minutes of the meeting were found; for the decision, see the next document. Une réunion du Conseil consultatif du Nord fut convoquée le même jour pour examiner cette lettre, ainsi que la lettre de Hadow du 3 janvier. Aucun procès-verbal de la réunion ne fut retrouvé; pour la décision, voir le prochain document.

make any bargain which would involve an acknowledgment of Norwegian claims, is prepared to make ex gratia a pecuniary grant to Commander Sverdrup for his services to scientific research in the Arctic, including the delivery of original maps, records, charts and other material in his possession, and on the understanding that he would be available for consultation if required. It is understood that simultaneously the Norwegian Government would be prepared to indicate its recognition of Canadian claims. It is agreed that such a solution would be further facilitated if simultaneously an acknowledgment were made of Norwegian sovereignty over Jan Mayen Island and also over Peter First Island if that is considered advisable.

(2) The ex gratia payment proposed, which is the final offer that can be made, is a cash payment of \$25,000 to Commander Sverdrup, together with a life annuity of \$2400, to begin April 1st, 1929.

It is desired to make clear that in the view of the Canadian Government the circumstances in the present case are unique and that this grant would not in any way constitute a precedent for claims from other explorers. Under present conditions the exploration and scientific study of the Canadian Archipelago is carried on and will be carried on in the future by the Canadian Government as incidental to its annual patrol and other administrative activities in this part of Canadian territory. It is therefore considered that there will not in future be the scope which existed in the past for research by special expeditions.

It is proposed to inform Commander Sverdrup of this offer. We should like to do this simultaneously with the discussion which will be held by the British Minister at Oslo with the Norwegian Government, if this is likely to take place very shortly. I should therefore like to be informed of the date when that discussion will likely take place.

Yours sincerely,

[O.D. Skelton]

R.H. Hadow, Esquire,

Office of the High Commissioner for the United Kingdom,
Ottawa.

478.

Minutes of meeting of Interdepartmental Committee on the Antarctic
Procès-verbal de réunion du Comité interministériel sur l'Antarctique
TNA, DO 114/34

Printed copy/ Copie imprimée

[London]

The 23rd Meeting of the Antarctic Committee, which had been summoned to consider policy *vis-à-vis* Norway, was held in Mr. Lunn's room at the Dominions Office at 3.30 p.m. on the 5th January, 1930. Sir H. Batterbee was in the Chair, and the following were also present:—

Major Casey,
Admiral Douglas,
Mr. Howard Smith,
Mr. Kirkpatrick,
Mr. Collier,
Mr. Loxley,

Mr. Darnley,
 Mr. Moss Blundell,
 Mr. Borley,
 Mr. Collins,
 Mr. Dixon,
 Mr. Clutterbuck.

I. *Antarctic.*

The CHAIRMAN referred to the Press reports which had recently appeared in the *Times*, describing the activities of the "Norvegia" Expedition.⁷⁶ In the second of these reports (31st December) it was announced that a strip of 100 kilometres of new land had been discovered by the Expedition between Enderby Land and Kemp Land, *i.e.*, within what was known as the "Commonwealth Sector," and had been taken possession of in the name of the King of Norway. Before the appearance of these reports, His Majesty's Minister at Oslo, acting on instructions issued by the Foreign Office as a result of previous discussions† in the Committee, had already had a conversation with the Norwegian Prime Minister on the position in the Antarctic. A report of this conversation was contained in Mr. Wingfield's Confidential despatch† No. 522 of the 23rd December, and the Chairman read extracts from the despatch, showing that Mr. Wingfield had made it quite clear that we claimed the whole of the sector between Enderby Land and the Ross Sea. [...]

Mr. KIRKPATRICK said that a further despatch† dated 1st January had now been received from Mr. Wingfield reporting in full a conversation with the Norwegian Prime Minister referred to in his telegram† of the 31st December. Copies of this despatch were available for members of the Committee. It appeared that, in this conversation, the Norwegian Prime Minister had once more insisted that the "Norvegia" Expedition was a private venture, and that its members could not, in any way, commit the Norwegian Government. The Expedition, while authorised to "occupy" land, were not empowered to "annex" it. Annexation was a step that could only be taken by the Norwegian Government, who would not act before they had carefully considered all the facts. The Prime Minister went on to say that Norway did not wish to acquire possession of territory which would be of no possible use to her, and she had consequently refrained from annexing Peter I Island, although it had been occupied some time ago. He seemed to think that the newly-discovered land would prove of no use to Norway, as the ships had apparently been unable to approach nearer than 100 miles to the coast. The Prime Minister repeated his objections to the sector policy in the Antarctic, but the implication of his remarks was that the Norwegian Government would not approve of the annexation of the territory referred to in the Press report.⁷⁷ [...]

II. *Arctic.*

The CHAIRMAN read to the Meeting the telegrams sent to Sir W. Clark at Ottawa on the 1st† and 6th January, to which a reply in the following terms had now been received:

"Your telegram No. 7 of 6th January and preceding inquiries, Arctic Archipelago within Canadian sector. Canadian Government desire[s] to maintain its full sovereignty.

⁷⁶ "Exploration in the Antarctic. New Land Claimed for Norway," *The Times*, 28 December 1929, p. 8.
⁷⁷ "Norwegian Expedition," *The Times*, 31 December 1929, p. 11.

No Norwegian claim to the new land was made. Aucune revendication norvégienne ne fut présentée à l'égard de la nouvelle terre.

As an *ex gratia* payment in recognition of his services to Arctic Exploration, it will offer to Sverdrup 25,000 dollars with life annuity of 2,400 commencing from 1st April last, provided he will deliver his original maps, diaries, and other material in his possession, and will be available if Canadian Government wish to consult him, and further that Canadian claim will be recognised by Norwegian Government.

Canadian Government further stipulate[s] that this payment is not to be taken as a precedent, and wishes it to be understood that all (corrupt group) exploration and research in its Northern Territories is being and will be carried out by Government itself.

It would in the opinion of Canadian Government facilitate negotiations if Norwegian claims over Jan Mayen Island and Peter I Island were acknowledged. Government of Canada would like to make above final offer to Sverdrup at the same time as negotiations are opened at Oslo, provided the latter take place shortly, and I have been asked to furnish date.

My despatch⁷ No. 240, 12th December. After representations by Norwegian Minister in France offer of life annuity of 2,400 or 25,000 dollars was made to Sverdrup in Paris and rejected."

The general feeling of the Committee was that there was a fair prospect of arriving at a settlement on this basis with Captain Sverdrup and the Norwegian Government, and after some discussion it was agreed that the Foreign Office should instruct⁸ Mr. Wingfield to make an oral communication to the Norwegian Prime Minister to the effect that we are very anxious to arrange a general settlement with Norway on Arctic questions, our idea of such settlement would be that on the one hand we should recognise Norwegian claims to Jan Mayen Island, provided that on the other hand the Norwegian Government recognise the Canadian claim to the Otto Sverdrup Islands, we appreciate, of course, that the Norwegian Government are anxious that Captain Sverdrup should be compensated for any personal claims which he may have, but there is no need for apprehension on this score, since we have reason to believe that the Canadian Government are making a handsome offer to him; we hope, therefore, that they will agree that a settlement on this basis would be satisfactory to all parties.⁷⁸

It was decided that, in view of the remarks of the Norwegian Prime Minister in his conversation with Mr. Wingfield on the Antarctic, no offer should be made to recognize Norwegian sovereignty over Peter I Island, and that this should be explained to the Canadian Government, who would have to be informed in advance of the date on which the Foreign Office propose to give instructions to Mr. Wingfield, in order that a simultaneous offer might be made to Captain Sverdrup.

[...]

⁷ Wingfield conveyed this message to Prime Minister Mowinkel, at a conversation, on 30 January 1930.

⁸ Wingfield presented this message to premier ministre Mowinkel dans une conversation, le 30 janvier 1930.

479.

Letter from First Secretary, High Commission of United Kingdom, to Under-Secretary of State for External Affairs

Lettre du premier secrétaire, haut-commissariat du Royaume-Uni, au sous-secrétaire d'État aux Affaires extérieures

LAC/ BAC, RG 25, vol. 2667, file/ dossier 9057-A-40

Ottawa, 21st January, 1930

Urgent.

My dear Doctor,

In reply to your letter of the 7th January regarding the Norwegian claim to the Sverdrup Islands, the High Commissioner has been instructed to inform you that His Majesty's Minister at Oslo is to communicate by word of mouth to the Prime Minister of Norway on the 28th January the anxiety of His Majesty's Government in the United Kingdom to settle outstanding Arctic questions between the two Governments as soon as possible. Although unable to admit the validity of the grounds on which the Norwegian Government base their claim to annexation of Jan Mayen Island, His Majesty's Government in the United Kingdom are prepared to recognise the claim on the condition that the Canadian claim to the Otto Sverdrup Islands shall be recognised by the Norwegian Government and that the handsome offer, which it is understood that the Canadian Government is prepared to make to Dr. Sverdrup in compensation for any personal claims he may have, proves satisfactory to all parties.

No mention is being made of Peter I Island because the Norwegian Prime Minister recently indicated to His Majesty's Minister at Oslo that this Island was of no value to Norway and that the Norwegian Government had not consequently annexed it.

I am to express the hope that this information will reach the Canadian Government in sufficient time to enable the offer to Dr. Sverdrup to be made, as suggested in your letter, at the same time as this announcement to the Norwegian Government and I take this opportunity of thanking you on Sir William Clark's behalf for your courtesy in dealing so promptly with this matter at the beginning of this month when, as I know, your time was fully occupied with other and weightier questions.

Yours sincerely,

R.H. Hadow

Dr. O.D. Skelton, M.A.,

Under-Secretary of State for External Affairs.

480.

Telegram from Under-Secretary of State for External Affairs to Eivind Bordewick

Télégramme du sous-secrétaire d'État aux Affaires extérieures à Eivind Bordewick

LAC/ BAC, RG 25, vol. 2667, file/ dossier 9057-A-40

Ottawa, January 24th, 1930.

Bordewick Gacancpac Oslo.

Your letter December thirteenth to Prime Minister received. Question given further careful consideration. As you are aware Canadian Government is prepared to make reasonable grant in recognition of Commander Sverdrup's contribution to scientific knowledge of

Canadian Arctic archipelago. Some misunderstanding exists as to London conversations regarding Bouvet Island. Our statement in Paris was merely that question of linking the two matters was discussed by Norwegian Minister and Lord Cushendun. It was not implied that formal offer had been made or accepted. Outlays of Norwegian expedition are not considered to [have] bearing on matter from angle of Canadian Government's present interest and in any case as such scientific research is and will be carried on by Canadian Government as incidental and normal feature of its administrative activities in the Arctic islands cost is much less than under previous conditions where special expeditions were necessary. We are prepared on the understanding previously discussed to make a final offer of twenty-five thousand dollars cash payment to Commander Sverdrup together with life annuity of twenty-four hundred dollars to begin April first nineteen twenty-nine. This is final and sole offer. In this connection [it] is understood Commander Sverdrup would be prepared to furnish any additional data not published and including original maps, notes, diaries, or other documents of service.⁷⁹

External

481.

Telegram from Eivind Bordewick to Premier of Ontario
Télégramme d'Eivind Bordewick au premier ministre de l'Ontario
LAC/BAC, RG 25, vol. 2667, file/dossier 9057-A-40
Copy/Copie

Oslo Jan 29-30

G.H. Ferguson
Premier Ontario, Toronto, Ont.

Permit me strictly confidential ask your advice Sverdrup case. At telegraphical request of Doctor Skelton Sverdrup and myself met him and Minister LaPointe 5th December in Paris where Skelton offered life annuity twenty four hundred dollars or once for all twenty five thousand dollars. Sverdrup did not accept feeling recognition unreasonably poor as compensation for Norwegian expedition during four and a half years costing two hundred thousand dollars together with sovereignty. LaPointe and Skelton promised induce Canada improve offer after having discussed matter with Norwegian Minister in Paris who characterize[d] any offer under hundred thousand dollars as personal grant as indecent. Replying my letter 13th December to Prime Minister, External Office, Ottawa, cables me 24th January repeating first offer plus twenty-five thousand stating this final and sole offer. Am absolutely unable make Sverdrup accept offer made firstly because he feels government unjustly underrating his great explorations which cost him personally sixty two thousand dollars secondly because he feels indebted partly split compensation with surveying [surviving?] members of expedition also he has to pay incurred travelling expenses to Ottawa and Paris. Therefore further negotiations will probably be earned [on]

⁷⁹ See/ Voir doc. 489, footnote/ note en bas de page.

⁸⁰ This telegram was drafted by the subcommittee of the Northern Advisory Board. Ce télégramme fut rédigé par le sous-comité du Conseil consultatif du Nord.

See: Van Skelton to McKeand, 22 January 1930, and: St McKeand to Skelton, 23 January 1930, also in file/ aussi au dossier 9057-A-40.

by Professor Nansen. Before cabling my answer to Ottawa kindly before fourth February cable me your advice.⁸¹

[Eivind Bordewick]

482.

Memorandum from Chief of General Staff, Department of National Defence, to Deputy Minister of National Defence

Note du chef d'état-major général, ministère de la Défense nationale, au sous-ministre de la Défense nationale

LAC/ BAC, RG 24, file/ dossier 4850, reel/ bobine C-5072

Ottawa, February 5, 1930.

To:— Deputy Minister [G.J. Desbarats].

With reference to our conversation today I attach hereto a memorandum prepared by the General Staff in respect to the Arctic with a view to clarifying the situation.

I would be obliged if you would draw attention to any points which may require changing or further amplification.⁸²

A. McNaughton
Major-General, C.G.S.

Enclosure: Memorandum by member of General Staff, Department of National Defence

Pièce jointe : Mémoire de H.D.G. Crerar, membre d'état-major général, ministère de la Défense nationale

CANADIAN POLITICAL RIGHTS IN THE ARCTIC

Confidential

1. Importance to Canada of Arctic Territory.

To appreciate the importance of establishing and maintaining the political rights of Canada to certain Arctic territory, it is first of all necessary to determine just what benefits, actual or potential, are to be derived by Canada from the possession of such rights. As the attitude of other nations towards this same Arctic territory provides illuminating evidence, it is proposed to quote certain foreign authorities on this subject:—

Extracts from U.S. Congressional Record, Friday, July 21, 1922.

Senator Robinson— "Mr. President, I ask leave to have printed in the Record a statement by Mr. Edwin Fairfax Naulty concerning the strategical importance to the United States

⁸¹ Prime Minister King informed Ferguson that he was not aware of any grounds for an increase in the offer. What advice, if any, Ferguson gave Bordewick is not known. Le premier ministre King informa Ferguson qu'il n'était pas au courant de quelque raison pouvant justifier une bonification de l'offre. Si Ferguson donna un avis à Bordewick, celui-ci n'est pas connu.

See/ Voir King to Ferguson, 3 February 1930, also in file/ aussi au dossier 9057-A-40.

⁸² Marginal notes:/ Notes marginales :

C.G.S. No remarks, Thanks. G.J. Desbarats 12/2/30

Mr. J.A. Wilson C.C.A. As you often represent the D[eputy] M[inister] on the Northern Advisory Board you might like to read this [word illegible] mot illisible. Please return with any remarks. A. McNaughton

No remarks. Thank you! J.A. Wilson C.C.A. 15/2/30

of Arctic flight routes." The statement is of great historical value, and I believe it is reliable."

Extracts from Mr. Naulty's statement:

"But there is another reason, and that is flight routes across the Arctic. From the head of Cumberland Sound, at the mouth of Davis Strait, to Collinson Gulf, at the Southwest of Beaufort Sea, is 1,500 miles, and with any 1922 model seaplane it can be flown in 15 hours, with some in ten hours. On Cumberland Sound, across Settrilling Lake, Foxe Channel, through Frozen Strait – not as bad as its name indicates –, or Fury and Hecla Strait to Committee Bay, that is, to Boothia Isthmus and across to Rae Strait, and on through Simpson Strait to Frankland [Franklin] Strait, to Collinson Gulf and Beaufort Sea, in ten hours, over water or smooth ice all the way, with ample supply stations easily established en route, and oil and coal on the route. I will not enlarge on the various flight routes across the Arctic above the Arctic Circle further than to again write that there are over fifty routes chartered [charted] by my son and myself.

Using the delta of the Mackenzie River as a basis, and being permitted to claim and occupy the American territory of Wrangel Island, Canada, far-sighted and progressive as she has shown herself to be, would have control of all the Siberian trading. I am not a commercial man, but I know that there is more fossil ivory on one Island in the Arctic than there is of other ivory in all the world. Aeroplanes are now built capable of carrying a load of 2 tons. Two tons of ivory would be a valuable cargo. Two tons of Siberian furs, brought from the Siberian coast by aeroplane via Wrangel Island, could be landed in St. John [St. Johns], Montreal or Quebec easily within four days from the time they were loaded aboard in Siberia."⁸⁴

Extract from letter⁸⁵ of Vilhjalmer Stefánsson to Deputy Minister, Department of Interior (Canada), dated October 30th, 1920. (Confidential file 1076-1-2, "Naval Service")

"It is easy to show that the northern lands contain resources that we value today. It appears to me, however, unnecessary to go into that discussion. It is simpler and safer to merely remind ourselves that it has been the universal course of history up to the present that the lands considered worthless in one age are considered valuable in the next, and the spread of value in land will, therefore, probably continue to the remotest corners of the earth."

Extracts from plans of the International Society for the Exploration of the Arctic regions during the Spring of 1930 with the Airship Graf Zeppelin. (H.Q.C. 4850.)

"In the Spring of 1930 there will be undertaken a systematical, extended, scientific exploration of the Arctic regions by means of the Airship Graf Zeppelin, under the leadership of the doyen of Polar exploration work, Professor Dr. Fridtjof Nansen, with the participation of a large staff of international scientists. The International Society for the Exploration of the Arctic Regions by aircraft (the Aero-Arctic) includes groups of members in twenty different countries, U.S.A. among the number, comprising leading scientists in the domain of such sciences as are interested in the exploration of the Earth.

⁸³ Naulty was a New York doctor who, with his son, hoped to carry out a transpolar flight. Naulty était un médecin de New York qui, avec son fils, espérait effectuer un vol transpolaire. See Voir "To Attempt Flight Across North Pole," *New York Times*, 2 August 1921, p. 4.

⁸⁴ Corrections in square brackets are from the original version in the *Congressional Record*. Les corrections entre crochets sont de la version originale dans le *Congressional Record*.

⁸⁵ Copy in. Copie dans LAC BAC, MG 30 E-169, vol. 1.

⁸⁶ This file apparently no longer exists. Ce dossier n'existe apparemment plus.

... As soon as the Airship will meet with leads on its flight - and according to Sir Hubert Wilkins' report such are to be found at about every 20 miles - she will drop the apparatus into the water and sound the depths according to the usual methods of sounding, by echo apparatus. In this way a great number of soundings may be carried out along the Canadian shelfridge. It will be possible to establish how far the as yet unknown shelfridge penetrates into the region between Alaska and the North Pole, and whether there is any possibility of hitherto undiscovered land to be found there. The Airship will not follow a definitely outlined course, she will follow during the soundings the course which corresponds with the line of the shelfridge. After the expedition will have thoroughly sounded the Canadian shelfridge, the Airship will fly over Point Barrow to Nome ...

A precise knowledge of the at present but scarcely known conditions in the Arctic, a daily observation of all occurrences by means of wireless, will be of the greatest advantage for weather forecasts, and for all magnetic, electric, oceanographical, biological and aerological conditions in the inhabited latitudes of the Northern hemisphere. Agriculture and all communications by land, by water or by air will benefit greatly by such systematic permanent observation work in the Arctic regions."

Extract from letter of Mr. Eivind Bordinick to the Prime Minister of Canada, dated December 13th, 1929, with reference to Commander Sverdreup's discoveries of Axel Heiberg, Ringnes and King Christian Islands. (H.Q.C.4850.)

"I conclude with a strong appeal to the highest authority of justice in Canada, Minister Lapointe, as a member of the Canadian Cabinet, to induce his Government to pay Commander Sverdreup a reward in accordance with a correct valuation of his achievement.

I consider it reasonable that the Canadian Government should refund the cost of the expedition, as it was equipped and sent out as a national enterprise, with the idea of securing advantages for the Norwegian nation. In the event of Canada securing the sovereign rights, the advantages accrue to Canada and not to Norway."

In corroboration of the views expressed above, the following extract from "Canada's Arctic Islands, Log of Canadian Expedition, 1922,"⁸⁷ report of Department of Interior[,] is submitted:—

"As the information which the general public has regarding the north country is at least one hundred years old, the impression prevails that the North West Territories are just mounds of snow and ice sticking up above the polar sea. If one read only books of such a date regarding the parts of Canada we know, especially the Prairie Provinces, he would get an impression very different from fact. The natural resources lie there unknown and just as the railway hastened the development of Western Canada so may aircraft aid in the north.

It may surprise many people to realise that two thousand miles north of Ottawa the general climate of the winter season is no more severe than in many of the more northerly settled parts of Saskatchewan and Manitoba, and that there are hundreds upon hundreds of square miles of land bare of snow in summer, covered with beautiful flowers, grass and moss supporting innumerable animals including caribou, musk-ox and foxes, while there are immense areas of coal and indications of many other minerals.

⁸⁷ J.D. Craig, *Canada's Arctic Islands Log of Canadian Expedition, 1922* (Ottawa: F.A. Acland, 1923)

J.D. Craig, *Les îles canadiennes de l'Océan arctique : journal de l'expédition canadienne de 1922*, Ottawa, F.A. Acland, 1924.

As the interior of the islands is practically unknown and even the coastline only very roughly sketched in on the charts, aircraft can serve a very useful purpose in connection with surveying and exploring the country. Its other uses will be in the transportation of men and material, where other means would entail much time, expense and hardship. Aircraft may also be used to great advantage as an assistance to marine navigation in locating open water and ice fields."

2. What Constitutes Political Rights.

It is evidently of importance to Canada's national development that control should be established and maintained over Arctic territories adjacent to her Northern mainland. But before indicating the extent of Canada's claims in this matter it is desirable to outline the bases on which political rights to these territories may be established.

In early days, the "discovery" of unknown lands was regarded as the primary source of national title. "Discovery," in its strongest form, entailed the landing of a properly commissioned navigator, a formal announcement in the presence of witnesses that possession has been taken in the name of sovereign or government, coupled with the hauling of the national flag, and, finally, sufficient exploration and survey to describe and identify the land in question. The absence of any or all of these qualifying factors did not necessarily deter nations or individuals from claiming title by discovery. In fact, there does not appear to have been any minimum condition required before a claim on this basis could be put forward.

The indefinite scope of "discovery" as a title brought about a further understanding in such international matters that "effective occupation" or "settlement" must follow before a continuing basis of sovereignty could be established. And in later years (Venezuela Boundary Dispute), the claim of title under "occupation" was extended by the acceptance of the principle that "control" constitutes effective occupation.

A further principle which became established, and one particularly and naturally favoured during the last century by the United States in its march to the Pacific Coast, was that of "contiguity." In the words of Mr. Calhoun, United States Secretary of State, in writing in 1844 to the British Minister at Washington, "That contiguity furnishes a just foundation for a claim of territory in connection with those of discovery and occupation would seem unquestionable. How far the claim of contiguity may extend... can be settled only by reference to the circumstances attending each."⁸⁸

And finally, in more recent years, a further element of national title has come to be regarded as almost necessary, and that is "notification of the fact," or, to put it more briefly, "prescription". It might be assumed that as "discovery" must precede "occupation", it would naturally follow that "prescription" must follow "discovery", but such an assumption would not be correct. Lord Salisbury, in a despatch of March 18th, 1896, says: "All the great nations in both hemispheres claim, and are prepared to defend their rights to vast tracts of territory which they have in no sense occupied, and often have not fully explored. The modern doctrine of "hinterland", with its inevitable contradictions, indicates the unformed and unstable condition of international law as applied to territorial claims resting on constructive occupation or control."

In brief, then, the sources of national title to lands acquired by peaceful means - or lands acquired by force from uncivilised peoples or unrecognised civilisations - lie in

⁸⁸ This reference and most of the ones that follow were taken from James White's 1925 monograph. For full citations, see *Cette référence et la plupart de celles qui suivent furent tirées des mémoires de James White de 1925. Pour les références complètes, voir docs 343, 365, enclosures and footnotes: pièces jointes et notes en bas de page.*

"discovery", "effective occupation", "control", "contiguity" or "prescription". Any or all of these may form a claim to possession. But in the final analysis, the strength of any title lies in the determination of the claimant to preserve it, coupled with an understanding by other countries that the maintenance of such an attitude, though of importance to the nation concerned, is not a menace to others.

3. Arctic Territory claimed by Canada.

The Dominion of Canada claims as its "hinterland" in the Arctic Archipelago the area bounded on the East by a line passing midway between Greenland and Baffin, Devon and Ellesmere Islands, through Robeson Channel, and thence along the 60th [W] Meridian to the Pole. On the West, Canada claims as her boundary the 141st [W] Meridian from the Pole to Demarcation Point on the mainland. And the creation of national title to such lands is to be found in the Imperial Order-in-Council of 31st July, 1880, whereby Great Britain agreed that "all British territories and possessions in North America, and the Islands adjacent to such territories and possessions which are not already included in the Dominion of Canada, should (with the exception of the Colony of Newfoundland and its Dependencies) be annexed to and form part of the said Dominion."

Having outlined the Canadian claim in the Arctic Archipelago, it is now necessary to investigate the bases for such title.

Discovery.

So far as discovery goes, the title of Great Britain, and thus Canada, to the whole Arctic Archipelago is without question, with the possible exception of Heiberg, the Ringnes, Meighen, Borden, Brock and some smaller Islands. With these exceptions, all the known insular areas in the Canadian Arctic Archipelago were discovered and formally taken possession of by British commissioned navigators from a century to three-quarters of a century ago, and such acts of possession were formally announced to the world in British Government Blue Books. Of the exceptions named, Meighen, Borden and Brock were rediscovered⁸⁹ and formally taken possession of by [a] Canadian expedition in 1914-17.

It was in 1900-02 that Sverdreup, commanding an expedition, which was financed in large part by citizens of Norway, claimed discovery of the Islands mentioned in the previous paragraph. It is to be noted that Sverdreup was not a commissioned navigator, and any Norwegian claim to title must, in consequence, rest on weak ground. However, it is in order to eliminate even the possibility of such a situation that negotiations are now under way whereby Sverdreup's rights, if any, in consideration of a financial compensation, are to be transferred to the Dominion of Canada. (See Para. 1.)

Effective Occupation.

"Occupation" or "settlement" of territories must vary in degree in accordance with conditions. A bare measure of settlement in a temperate zone might be considered as gross overcrowding in the Arctic Archipelago. However, whatever the degree of settlement of the Arctic lands in question, their occupation was originally British, and is now maintained by the Government of Canada, working through its Department of the Interior. No other nation has any basis for title under this particular heading.

Control.

"Control" may rest on an extension of actual occupation or it may be argued as an obvious, even though unexercised, power which geographical propinquity and natural communications confer. Whatever virtue rests in this source of title may be utilised to the

⁸⁹ These islands were discovered for the first time by the Canadian Arctic Expedition. 'Ces îles furent découvertes pour la première fois par l'Expédition canadienne dans l'Arctique.

full by Canada in her claim to Arctic territories. Certainly, no other nation is in a position to put it forward.

Contiguity.

In 1824, Mr. Rush, United States Minister at London, wrote, "It will not be denied that the extent of contiguous territory to which an actual settlement gives a prior right must depend in a considerable degree on the magnitude and population of that settlement, and on the facility with which the vacant adjoining land may within a short time be occupied, settled and cultivated by such population, as compared with the probability of its being thus occupied and settled from another quarter." In 1826, Mr. Gallatin, negotiator on behalf of the United States, re-affirmed this statement of principle.

A very brief consideration of the map and of Canada's relationship to that portion of the Arctic under discussion is sufficient to substantiate the Canadian claim under this heading alone.

Prescription.

In 1904, the Government of Canada published a map showing "Explorations in Northern Canada." On that map the boundary of the Canadian Arctic Archipelago on the East is delineated by a line passing through the middle of Robeson Channel (waters separating the Canadian Islands from Greenland), and thence northward along the 60th Meridian to the Pole, and on the West by the 141st Meridian from the mainland northward to the Pole. This official map was published twenty-six years ago, and obviously a tacit acquiescence during over a quarter of a century on the part of Norway, the United States and of other nations bars their right to protest the Canadian claim.

In June, 1925, certain Debates on Arctic exploration and sovereignty took place in the Canadian House of Commons.¹⁰ The following are extracts from the official reports concerned:-

"Hon. CHARLES STEWART (Minister of the Interior) moved the second reading of Bill No. 151, to amend the Northwest Territories Act.

...

Mr. STEWART (Argenteuil): ... Here we are getting after men like MacMillan and Doctor Amundsen, men who are going in presumably for exploration purposes, but possibly there may arise a question as to the sovereignty over some land they may discover in the northern portion of Canada, and we claim all that portion.

Mr. BROWN: We claim right up to the North Pole.

Mr. STEWART (Argenteuil): Yes, right up to the North Pole.

...

Mr. MANION: May I ask what is the position of the whole Wrangel Island question at the present time?

...

Mr. STEWART (Argenteuil): We have no interest in Wrangel Island, and the British government have expressed themselves to the same effect. We will be very glad to bring down all the papers that we can on the subject."

¹⁰ The quoted remarks were made on 9 and 10 June 1925. See *Canada, House of Commons Debates*, 4th Parliament, 4th session, vol. 168, pp. 3773, 4069; see also p. 4084.

Les remarques citées furent faites le 1^{er} et le 10 juin 1925. Voir *Canada, Chambre des communes, Débats*, 14^e législature, 4^e session, vol. 168, p. 3758, 4056; voir aussi p. 4071.

"Hon. H.H. STEVENS (Vancouver Centre): Mr. Speaker, I have in my hand a newspaper despatch from Washington to the New York Times⁹¹ dealing with a matter of very considerable importance to Canada. The despatch is rather lengthy and refers to what is known as the MacMillan-Byrd scientific expedition into the Arctic regions this summer by hydroplane. Two important questions are propounded, one being whether Canada has a valid claim to certain lands lying north of the mainland. Then there is this reference:

High officials in Washington reiterated today that the Canadian Government has not yet raised the question or discussed with this government the matter of claiming all land between Canada and the pole. It is learned, however, that in a recent informal conversation between Lieutenant Commander Byrd and the Canadian commission [Commissioner]⁹² here, the latter informally asked whether he had obtained a "permit" to land on Axel Heiburg land. To ask Canada for a permit for Commander Byrd's planes to land on Axel Heiburg land would, of course, imply recognition by America of the Canadian claim of sovereignty over that land, and seems to necessitate decision by this government

— That is the United States government —

as to whether it considers that Canada has a valid claim to that region.

Has the Prime Minister any information to furnish as to whether the government of Canada has made any representations to the government of the United States on the subject? If no action has been taken, is there not a grave danger that the right of Canada to large areas in the north — at present not deemed very valuable, but which in the future may be so — will be jeopardised?

Hon. CHARLES STEWART (Minister of the Interior): Mr. Speaker, this government has been very much alive to what we claim to be the possessions of Canada in the northern territory adjacent to the Dominion. Indeed, I made the statement in the House the other evening that we claimed all the territory lying between meridians 60 and 141. This afternoon when dealing with the estimates of the Department of the Interior I propose to bring down a map to make it clear what precautions we are taking to establish ourselves in that territory and to notify the nationals of foreign countries passing over it that we think Canada should be advised of their plans and that they should ask for permits from the Canadian government. That is the extent to which we have gone at the moment. I might say further to my hon. friend from Vancouver Centre that some considerable time ago a despatch dealing with the subject was sent to Washington, to which we have had no reply."

In view of the above, it may be stated that Canada has fully exercised the basis of prescription as a source of title. Although individual and press comment in other countries, particularly in the United States, has queried Canada's rights to her Arctic Archipelago, no foreign government has officially repudiated the claim of Canada in this respect.

While, for a quarter of a century, Canada's reasonable claims to Arctic territory, based on one or several of the sources to national title, have been politically clarified on the definite basis of "prescription", it is important to note the dangers which accompany a divergence from this sound position. In 1914, the ship "Karluk" of the Canadian Arctic expedition, (organised under Canadian Government arrangements), was wrecked in the

⁹¹ "MacMillan Wants Arctic Land Ruling," 9 June 1925, p. 3.

⁹² The word in the original article is Commissioner, evidently meaning the Commissioner of the Northwest Territories. On this conversation, see doc. 363. Le terme de l'article original est Commissaire, signifiant évidemment le Commissaire des Territoires du Nord-Ouest. Sur cette conversation, voir doc. 363.

vicinity of Wrangel Island, which lies in longitude 180 and some 115 miles off the North shore of Siberia. In 1921, Stefansson, this time without Government assistance, organised a further expedition, which, it later turned out, had the definite object of annexing Wrangel Island on the basis of "occupation" in the name of H.M. the King, and presumably with the idea that the Canadian Government would support this claim. It is not proposed to discuss the political rights which other countries had previously established to the possession of Wrangel Island other than to say that, in general, the better claim lay with Russia. But it is desired to emphasise that if Canada had officially supported Stefansson's action the result would have been to jettison the established and satisfactory claim which, reinforced by "contiguity", had been summed up by "prescription", and open up the Canadian Arctic Archipelago indefinitely to claims by various nations on the bases of "discovery" and "occupation".

4. The Position of other Powers in connection with Canada's Claims in the Arctic.

So far as can be determined, the countries mainly interested in the Canadian Arctic Archipelago have not officially accepted the boundaries prescribed by Canada in 1904, and re-affirmed in 1925. On the other hand, silence can reasonably be accepted as acquiescence.

There are, however, Treaties between the United States, Russia and Denmark which reinforce the Canadian position, and the attitude of Norway may be interpreted by its dissociation from the claims put forward by its national, Sverdrup, under the title of "discovery."

Eastern Boundary, Canada's Arctic Archipelago.

"The suggestion that the U.S.A. may wish to claim Greenland need not now be considered, as Denmark has obtained practically general recognition of her sovereignty over the whole of Greenland" (Appendix to Despatch,*⁹³ Canada Secret 2, dated 20th October, 1925, from S[ecretary] of S[tate] for [the] Dominions to H. E. the Governor-General.)

"The United States has never officially made any claim to any known Arctic lands outside of our well recognised territories. The sole declaration we have made regarding Arctic regions is the renunciation of any possible rights, based on discovery or otherwise, in Greenland." (Foreign Affairs, October 1925,⁹⁵ page 54.)

From the above statements, it may be said that although a Canadian boundary is not defined or agreed to, yet a Danish one corresponding to it as far North as the mouth of the Robeson Channel has been generally accepted.

Western Boundary, Canada's Arctic Archipelago.

In the Treaty of 1825 between Great Britain and Russia, the 141st meridian was agreed to as a boundary. In describing the boundary between the possessions of the two countries, "sur la côte du continent et les isles d'Amérique nord-ouest," the provisions of the Treaty here material in its original text, read thus: "La même ligne méridienne du 141ème degré formera dans son prolongement jusqu'à la Mer Glaciale la limite entre les Possessions Russes et Britanniques sur le continent de l'Amérique nord-ouest."

⁹³ See/ Voir doc. 395, enclosure/ pièce jointe 1.

⁹⁴ Amery to Byng, 29 October 1925, 1 AC, BAC, RG 7 G 21, vol. 431, file dossier 10048.

⁹⁵ David Hunter Miller, "Political Rights in the Arctic," *Foreign Affairs*, vol. 4, no. 1 (October 1925), pp. 47-60.

In 1867, by Treaty with Russia, the United States purchased Alaska for \$7,200,000, and succeeded to the rights of Russia under the Treaty of 1825. The expression above quoted from the Treaty of 1825 was incorporated in the French text of the Treaty of 1867.

In the quotation, the French words may be translated, "in its prolongation as far as the Frozen Ocean" or "to the Frozen Ocean". But, whatever the choice of words, it is, at least, arguable that the line runs as far as the 141st meridian itself runs. Weight to such argument is given by the wording in the same Treaty, (1867) which, in laying down the U.S. western boundary, states that it "proceeds North without limitation into the same Frozen Ocean."

As regards Canada's western boundary in the Arctic, therefore, there appear to be well established Treaty rights.

5. Summary.

In conclusion, it is submitted that ownership by Canada of contiguous Arctic lands is already of very great importance, and that future developments will tend to accentuate that situation. As regards that portion of the Arctic Archipelago bounded by Baffin Bay, Smith Sound, Kennedy and Robeson Channels, and thence to the 60th meridian on the East, and the 141st meridian on the West, Canada has sound title to possession on the basis of several or all the recognised sources. The claim of Sverdrup to right by discovery of the Axel-Heiberg and Ringnes Islands is that of an uncommissioned explorer, is open to refutation on the grounds of "control", "contiguity" and "prescription", and, in any event, will probably be inconspicuously disposed of by direct financial adjustment.

It is to be hoped that eventually Canada will obtain stated recognition by other Powers of the validity of her prescribed claims. In the meantime, it is of vital importance that no weakening of Canada's position should be permitted, either by allowing unrestricted entry within the claimed territory by nationals of other countries, or, what is even more dangerous, by shifting from the reasonable position maintained for twenty-five years, and thus opening up the entire question by encouraging Canadian nationals to claim territory lying outside our declared boundaries.⁹⁶

H.D.G. C[rerar]
General Staff,
Department of National Defence.

[Ottawa,] January 28th, 1930.

References:

File H.Q.C. 4850, "Extent of Arctic Territory claimed by Canada."

File, Naval Service, Confidential, 1076-1-2, "Data relating to Wrangel Island."

"Canada's Arctic Islands - Log of Canadian Expedition, 192[2]."

Official Reports, House of Commons Debates, Nos. 78 and 84, 1925.

"Foreign Affairs", October 1925.

⁹⁶ This document was used for reference by Charles Camsell (Canada's representative on the polar committee) at the October 1930 Imperial Conference.

Ce document fut utilisé comme référence par Charles Camsell (représentant du Canada au Conseil polaire) à la conférence impériale d'octobre 1930.

See/ Voir Camsell to L.R. LaFlèche, 9 March 1937, also in file/ aussi au dossier 4850.

483.

Letter from First Secretary, High Commission of United Kingdom, to Under-Secretary of State for External Affairs

Lettre du premier secrétaire, haut-commissariat du Royaume-Uni, au sous-secrétaire d'État aux Affaires extérieures

LAC/ BAC, RG 25, vol. 2667, file/ dossier 9057-A-40

Ottawa, 7th February, 1930.

My dear Doctor,

In continuation of my letter [...] of the 21st January[,] the High Commissioner has been informed of an interview between the Prime Minister of Norway and His Majesty's Minister at Oslo in which the former expressed himself as personally satisfied with the proposals provided Dr. Sverdrup were also agreeable. He added his belief that Sverdrup would because of his age prefer a larger lump sum in place of an annuity, and also stated that he would have to consult the Cabinet and perhaps also the Foreign Affairs Committee of the Storting before he could give a definite reply to His Majesty's Government on the general question.

The negotiations between His Majesty's Government in the United Kingdom and the Norwegian Government would, as you will see, be facilitated if they could receive an indication of the trend of the negotiations between His Majesty's Government in Canada and Dr. Sverdrup. Sir William Clark would therefore be grateful for any information on this subject you may be in a position to impart to him.

Yours sincerely,

R.H. Hadow

Dr. O.D. Skelton, M.A.,

Under-Secretary of State for External Affairs.

484.

Telegram from Eivind Bordewick to Under-Secretary of State for External Affairs

Télégramme d'Eivind Bordewick au sous-secrétaire d'État aux Affaires extérieures

LAC/ BAC, RG 25, vol. 2667, file/ dossier 9057-A-40

Oslo, 11 February 1930

External Ottawa

Your telegram January twentyfourth. Feel offer far below Paris expectations. Settlement can now be arranged provided life annuity be calculated according special medical opinion of Sverdrup and his familys exceptional high vital power which suggests capitalization at fortytwothousand once for all making total grant sixtyseventhousand dollars cash

Bordewick.

⁹⁷ Skelton sent a copy of this telegram to Finnie with the comment that Bordewick had put forward an "ingenious suggestion." Skelton envoya une copie de ce télégramme à Finnie, en indiquant comme commentaire que Bordewick avait fait une « suggestion ingénieuse ».

See: Voir Skelton to Finnie, 11 February 1930, LAC/ BAC, RG 85, vol. 584, file dossier 571.

485.

Minutes of meeting of Northern Advisory Board
Procès-verbal de réunion du Conseil consultatif du Nord
LAC/ BAC, RG 25, vol. 2669, file/ dossier 9062-C-40
Copy/ Copie

MINUTES OF A MEETING OF THE NORTHERN ADVISORY BOARD
 HELD ON WEDNESDAY, THE 12TH FEBRUARY, 1930,
 IN THE OFFICE OF THE DEPUTY MINISTER OF THE INTERIOR.

PRESENT:

Mr. W.W. Cory, (in the Chair)
 Mr. W.M. Cory,
 Mr. R.A. Gibson,
 Mr. O.S. Finnie,
 Mr. J.B. Harkin,
 Mr. H.H. Rowatt,
 Dr. D.C. Scott,
 Dr. O.D. Skelton,
 Colonel Cortlandt Starnes,
 Mr. J.A. Wilson (representing Mr. G.J. Desbarats),
 Mr. G.P. Mackenzie (acting Secretary).

1. Confirmation of Minutes.

The Acting Secretary read the Minutes⁹⁸ of the last meeting of the Board held on the 3rd instant. The suggestion was made that the statement that "the opinion of the members of the Board was that Canada's claim to sovereignty over the Islands in question could be upheld under international law" be qualified somewhat; also that the statement "that the original documents and other material that Commander Sverdrup was prepared to turn over to the Dominion were not of very great value in themselves" be amended slightly. It was agreed that the confirmation of the Minutes should be left in abeyance until the next meeting of the Board.

2. Sovereignty over Axel Heiberg, Ellef Ringnes, Amund Ringnes and King Christians Islands.

The Acting Secretary read the following telegram addressed to the Department of External Affairs by Mr. Bordwick [...]⁹⁹

It seemed to be the consensus of opinion that while the capitalization of the annuity for Commander Sverdrup was based on a rather optimistic expectation of life, nevertheless, according to the best information available, Commander Sverdrup was still a man of outstanding physique and might live for a number of years. Consequently there would not likely be a very great ultimate financial difference between the offer which had been tendered [to] Commander Sverdrup and the figure he has now expressed willingness to accept. It was pointed out that the contention of Norway was the only cloud against Canada's claim to sovereignty over her Arctic sector, and it was felt by the Board that it would be worth quite a lot to effect an immediate settlement as the question might very easily become a vexed one in the future. After careful consideration it was moved by Mr. Finnie, seconded by Dr. Skelton, that the Board approve of the payment to Commander Sverdrup of \$67,000.00, the amount mentioned in the telegram from Mr. Bordwick, dated

⁹⁸ Not found./ Non retrouvé.

⁹⁹ See/ Voir doc. 484.

the 11th instant and quoted above, and recommend that the Government signify its willingness to provide the necessary appropriation. In passing this resolution, the Board was actuated by the following reasons:

[1] The original claim submitted by Commander Sverdrup was for approximately \$200,000.00, and this has now been reduced by approximately two-thirds.

[2] On making this payment, the final settlement will have been arrived at, and the entire good will of the parties concerned assured;

[3] The relinquishment by Norway of her claim to the Sverdrup group of islands will have been obtained, and the surrender to our custody of the original documents in the possession of Commander Sverdrup effected;

[4] Finally, that this action would remove the one possible cloud to title to the Canadian sector of the Arctic.

The meeting then adjourned.

486.

Letter from Under-Secretary of State for External Affairs to Acting Deputy Minister of the Interior

Lettre du sous-secrétaire d'État aux Affaires extérieures au sous-ministre de l'Intérieur par intérim

LAC/ BAC, RG 85, vol. 584, file/ dossier 571

Ottawa, 21st February, 1930.

My dear Mr. Gibson,

Following the decision of the Northern Advisory Committee to recommend acceptance of the proposal contained in Mr. Bordeviek's telegram of February 11th for settlement of the compensation to Commander Sverdrup, I reported this to the Prime Minister who stated that he was prepared to concur on the understanding that the proposal had the approval of the Minister of the Interior.¹⁰⁰

In framing a reply to be sent to Mr. Bordeviek and also the communication to be made to the British Minister at Oslo, I would suggest, if this meets with your approval, that the sub-committee which acted in a similar capacity in the last communication might be asked to serve in the present case also.¹⁰¹

Yours sincerely,

O.D. Skelton

R.A. Gibson, Esquire,
Acting Deputy Minister of the Interior,
Ottawa.

¹⁰⁰ Gibson replied that Minister Stewart did support the recommendation. 'Gibson répondit que le ministre Stewart soutenait la recommandation.

See: Von Gibson to Skelton, 21 February, 1930. LAC/ BAC, RG 25, vol. 2067. *File/ dossier 1057-A-40.*

¹⁰¹ No record of the sub-committee's meeting was found. 'Aucun compte rendu de la réunion du sous-comité ne fut trouvé.

487.

Letter from Under-Secretary of State for External Affairs to First Secretary, High Commission of United Kingdom

Lettre du sous-secrétaire d'État aux Affaires extérieures au premier secrétaire, haut-commissariat du Royaume-Uni

LAC/ BAC, RG 25, vol. 2667, file/ dossier 9057-A-40

Copy/ Copie

Ottawa, 25th February, 1930

My dear Mr. Hadow,

With reference to your letter of the 7th February, regarding negotiations with Commander Sverdrup, I enclose a copy of a telegram of February 11th from Mr. Bordewick, suggesting that our offer of January 24th be modified so as to provide a larger lump sum without an annuity. After consideration, this proposal has been agreed to and a telegram to Mr. Bordewick has been prepared and will be forwarded tomorrow. There seems little doubt that a settlement can therefore be reached.

I should be obliged if steps could be taken to bring these developments to the attention of His Majesty's Minister at Oslo. I should also like to repeat the explanation contained in our letter of January 7th that we do not wish to make a bargain which would appear to involve an acknowledgment of Norwegian claims, but desire it to be definitely understood that the payment to Commander Sverdrup on the basis now proposed is in fact conditional on a simultaneous recognition by Norway that the islands form part of Canadian territory. It is desired that any statement should not take the form of relinquishment of Norwegian sovereignty but recognition of Canadian title. It would be desirable to have a reference included to the islands as being in the Canadian sector of the Arctic, but if this would not be acceptable to the Norwegian Government, it is not wished to press the matter. We should be glad to be informed of the Norwegian Government's views in this matter.

Yours sincerely,

[O.D. Skelton]

R.H. Hadow, Esquire,

Office of the High Commissioner for the United Kingdom,
Ottawa.

488.

Telegram from Under-Secretary of State for External Affairs to Eivind Bordewick

Télégramme du sous-secrétaire d'État aux Affaires extérieures à Eivind Bordewick

LAC/ BAC, RG 25, vol. 2667, file/ dossier 9057-A-40

Ottawa, Feb 26 1930

Bordewick, Gacapanac, Oslo.

Your telegram February eleventh received and its representations carefully considered. Canadian Government as already indicated desires to recognize adequately Commander Sverdrup's services in exploration of Canadian Arctic Archipelago. It is prepared to agree to the modified proposal contained in your telegram under reference and to recommend to Parliament in estimates submitted this session payment to Commander Sverdrup of sum of

sixty seven thousand dollars conditional on his being prepared to furnish material referred to in our telegram January twenty-fourth and being available for consultation at any time as required, as to statement regarding islands in question. It is also understood that undertaking set forth in Commander Sverdrup's letter of 22nd April, 1929, will be carried out.¹⁰³

External.

489.

Telegram from Eivind Bordewick to Under-Secretary of State for External Affairs
Télégramme d'Eivind Bordewick au sous-secrétaire d'État aux Affaires extérieures
LAC/ BAC, RG 25, vol. 2667, file/ dossier 9057-A-40

[Oslo, 28 February 1930]

External Ottawa

Your telegram February twenty-sixth. In order to dispose of matter quickly Commander Sverdrup presuming cash payment arranged within one month¹⁰⁴ accepts your offer of sixty seven thousand dollars and agrees your terms¹⁰⁵ as stated in telegram under reference.

Bordewick.

¹⁰² See/ Voir doc. 489, footnote/ note en bas de page.

¹⁰³ The last sentence was altered slightly from the draft version (which was not found), becoming less specific, because the telegram was not coded. La dernière phrase a été modifiée légèrement par rapport à la version préliminaire (qui ne fut pas retrouvée) afin d'être rendue moins précise parce que le télégramme n'était pas codé.

See/ Voir Skelton to Finnie, 26 February 1930, also in file/ aussi au dossier 9057-A-40.

¹⁰⁴ Bordewick was subsequently informed that the funds could not be approved within such a short time. He did not insist on the condition. Bordewick fut par la suite informé que les fonds ne pouvaient être approuvés à si court préavis. Il n'insista pas sur la condition.

¹⁰⁵ The terms included the delivery of original unpublished maps and documents. Months later, Bordewick declared that Sverdrup had no such material. This placed Canadian officials in an awkward position since the \$67,000 payment had been approved on the basis that it was remuneration for Sverdrup's original charts, journals, and notes. In the end, only Sverdrup's personal diaries were provided in fulfilment of this condition. Copies of the maps, not the originals, were sent to Canada with the diaries.

Les conditions comprenaient la livraison des cartes et documents originaux non publiés. Quelques mois plus tard, Bordewick déclara que Sverdrup n'avait pas de tels documents. Ceci plaça les responsables canadiens dans une position délicate, puisque le paiement de 67 000 \$ avait été approuvé à titre de rémunération versée en échange des originaux des cartes, des journaux et des notes scientifiques de Sverdrup. En fin de compte, seuls les journaux personnels de Sverdrup furent fournis pour remplir cette condition. Des copies des cartes, et non les cartes originales, furent envoyées au Canada avec les journaux.

See/ Voir Order in Council/ décret du Conseil [1930 131], 14 June/ juin 1930, *LAC/ BAC, RG 2, vol. 146*, Bordewick to External Affairs, 15 October 1930, External Affairs to Bordewick, 16 October 1930, and, et Bordewick to External Affairs, 17 October 1930, all in file/ tous au dossier 9057-A-40.

490.

Despatch from Minister of United Kingdom in Norway to Secretary of State for Foreign Affairs

Dépêche du ministre du Royaume-Uni en Norvège au secrétaire d'État aux Affaires étrangères

TNA, FO 337/95

Copy/ Copie

British Legation, Oslo.

March 12th, 1930.

No. 79.

Confidential.

Sir,

In compliance with the instructions contained in your despatch† No. 100 [...] of the 6th instant, I today reminded the Norwegian Prime Minister that on January 30th last I had suggested that, with a view to arriving at a general settlement of Arctic questions, His Majesty's Government in the United Kingdom might recognise the Norwegian claim to Jan Mayen Island, though unable to admit the validity of the grounds upon which this claim was based, provided that the Norwegian Government on their part would recognise the claim of the Canadian Government to the Otto Sverdrup Islands. Since that date the Canadian Government had come to an understanding with Captain Otto Sverdrup, to whom they were proposing to pay \$67,000, provided that he would deliver to them his original maps, diaries and other material in his possession; that he would be available, if the Canadian Government desired to consult him; and that the Norwegian Government would recognise a Canadian claim to the Otto Sverdrup Islands. His Excellency had told me that he must consult the other members of his Government, and perhaps also the Foreign Affairs Committee of the Storting. Could he yet inform me how the matter stood, as His Majesty's Government hoped that it would now be possible to arrive at a settlement satisfactory to all parties at an early date?

2. Herr Mowinkel said that he had not yet heard of the agreement come to between Captain Sverdrup and the Canadian Government; but he had consulted his colleagues, whilst the matter had also been discussed in the Storting with closed doors. In view of the fact, of which I had informed him, that the Canadian Government and Captain Sverdrup were now in agreement, and in return for the suggested recognition by His Majesty's Government of the Norwegian claims to Jan Mayen Island, the Norwegian Government were prepared to recognise the claim of Canada to the Otto Sverdrup Islands, provided always, however, that the islands should be mentioned by name – there must be no recognition of any sector involved – and that Norwegian subjects should retain the right to fish or hunt on these islands and in the surrounding waters. He thought that this latter condition was probably more or less of a formality, since no one did in fact hunt or fish there; but Norway possessed rights of hunting and fishing on the coasts of Greenland, and it might be of importance for Norwegian nationals to be able to pursue seal, whale, etc. in the adjacent region where the Otto Sverdrup Islands lay.

3. In conclusion Herr Mowinkel asked me whether I could not give him something in writing on this subject. I replied that I would report what he had said to you, Sir, and that I would ask for your instructions as to addressing a note to him with regard to it, since I presumed that an exchange of notes would be required to establish any agreement come to between the Governments involved.

4. I have accordingly the honour to request your instructions as to the answer that I should return to Herr Mowinkel, and, in particular, as to whether I should ask for any reciprocal rights of hunting and fishing on Jan Mayen Island for British subjects in return for those desired for Norwegian subjects on the Otto Sverdrup Islands. I should also be grateful if I could be informed whether it will suffice if the Norwegian Government recognise the claim of Canada to "the Otto Sverdrup Islands", without any further definition as to the exact location and extent of the territory covered by this term.

I have the honour to be,
with the highest respect,
Sir,
Your most obedient,
humble Servant,
[Charles Wingfield]

The Right Honourable Arthur Henderson, M.P.,
His Majesty's Principal Secretary of State for Foreign Affairs,
etc., etc., etc.

491.

Memorandum by High Commission of United Kingdom
Note du haut-commissariat du Royaume-Uni
LAC/BAC, RG 25, vol. 2667, file/dossier 9057-A-40

Ottawa.

The contents of Dr. Skelton's letter of the 25th February ha[ve] been made known to His Majesty's Minister at Oslo who has been asked to expedite a settlement along these lines through the Norwegian Prime Minister. It is, however, feared that a request for inclusion of a reference to the Islands as being in the Canadian sector of the Arctic would cause difficulties with the Norwegian Government. In view of Dr. Skelton's statement that it was not wished to press the matter if the request were not acceptable to the Norwegian Government this demand has been omitted.

18th March, 1930.

492.

Code Telegram (Paraphrased) from Secretary of State for Dominion Affairs to High Commissioner of United Kingdom
Télégramme codé (paraphrasé) du secrétaire d'État aux Affaires des Dominions au haut-commissaire du Royaume-Uni
TNA, DO 35/146/3

[London, 1 April 1930]

Secret, No. 70.

My Secret telegram* No. 69 of to-day. It is assumed that H.M. Government in Canada will be prepared to accept the first condition stipulated by the Norwegian Prime Minister. The second condition however may present difficulty and if the Canadian Government ask for our views you may inform them that while we appreciate the desirability of arriving at a settlement of this long-standing question we ourselves see no sufficient justification for

such discrimination in favour of Norwegian subjects and that we shall be prepared to support the Canadian Government in resisting it, should they so desire.¹⁰⁶

[Passfield]

493.

Memorandum by High Commission of United Kingdom

Note du haut-commissariat du Royaume-Uni

LAC/ BAC, RG 25, vol. 2667, file/ dossier 9057-A-40

In conversation with His Majesty's Minister at Oslo the Norwegian Prime Minister stated that his Government was ready to recognise the Canadian claim to the Otto Sverdrup Islands on the following conditions:

(i) That the fishing rights and the right to land¹⁰⁷ on the islands or in the waters around them should be retained by Norwegian subjects.

(ii) That specific mention be made of the Islands and that no recognition of any sector should be implied.

The Prime Minister maintained that Norwegians had the right to fish and hunt across the coast of Greenland and that it might be of importance to them to be allowed to pursue whales and seals in the neighbouring districts in which the Otto Sverdrup Islands lie. At the same time he thought that the first condition, outlined above, was more a formality than anything else, since he knew of no fishing or hunting in the vicinity of the Sverdrup Islands. When making these observations the Prime Minister asked for a written communication regarding the arrangement proposed. Consequently a formal exchange of Notes seems desirable when and if an agreement is made with the Norwegian Government.

His Majesty's Government in the United Kingdom would be glad to receive the views of His Majesty's Government in Canada concerning the conditions set forth by the Norwegian Prime Minister.

Ottawa, 2nd April, 1930.

¹⁰⁶ Marginal note:/ Note marginale :

F.O. (Mr. Collier) concur. [Author unknown/ Auteur inconnu]

¹⁰⁷ The use of the word "land" instead of "hunt" here must have been caused by either an improperly decoded telegram or a slip by the typist. The result of this error was that Canadian officials did not respond on the question of hunting or mention the existence of the Arctic Islands Game Preserve in their reply. See doc. 496.

L'utilisation ici du terme « to land » (atterrir) au lieu de « to hunt » (chasser) doit être le fruit du mauvais décodage d'un télégramme ou d'une faute de frappe. Cette erreur a cependant fait en sorte que les responsables canadiens ne répondirent pas à la question au sujet de la chasse, ni ne mentionnerent l'existence de la Réserve de gibier des îles arctiques dans leur réponse. Voir doc. 496.

494.

Memorandum from Director, Northwest Territories and Yukon Branch, to Acting Deputy Minister of the Interior

Note du directeur, Secteur des Territoires du Nord-Ouest et du Yukon, au sous-ministre de l'Intérieur par intérim

LAC/ BAC, RG 85, vol. 584, file/ dossier 571

Ottawa, 25th April, 1930.

Memorandum

R.A. Gibson, Esq.,
Acting Deputy Minister.

Condition No. (1) which the Norwegian Prime Minister now wishes incorporated in the proposed agreement between the Canadian government and Commander Otto Sverdrup is entirely new. Mr. Bordewick did not raise it when here, nor was it mentioned in any subsequent correspondence. The understanding clearly was that, if the Canadian government paid Commander Sverdrup \$67,000.00 in compensation for his services in the Canadian Arctic in the years 1898-1902, he would turn over to the Canadian government all notes, documents, maps and reports relative to his explorations and would, in addition, secure from the Norwegian government a recognition of Canada's claim to the Sverdrup islands.

The fishing rights in the waters surrounding these islands are of no value in a commercial sense as no ship can come into these waters or anywhere near them on account of impossible ice conditions which prevail throughout the entire year. It would, therefore, seem to be something of a ridiculous proceeding to incorporate any agreement with reference to fishing privileges.

The matter of giving the Norwegians the right to land on the islands would be a very distinct privilege. It would convey a right which conceivably might some day be of very considerable importance. It undoubtedly would be interpreted to mean the right to land on the islands with aeroplanes. The Sverdrup islands are part of a huge game preserve and to permit the Norwegians to land on the islands as a matter of right would unquestionably be prolific of misunderstandings and disputes in the future. Perhaps the best evidence of the undesirability of granting special privileges to the Norwegians in any settlement that may be effected is found in the case cited by the Norwegian Prime Minister himself, that of the right claimed by the Norwegians to fish and hunt along the east coast of Greenland.¹⁰⁸ The net result of this privilege claimed by the Norwegians is the strange relationship of the Norwegian and Danish authorities over that very matter. I am very strongly of the opinion, therefore, that the Norwegian government's recognition of Canada's claim to the Sverdrup islands should be unconditional.

With regard to Condition No. (1) it was decided, you will remember, that if exception was taken by the Norwegian government to a reference to these islands as being in the Canadian sector, we would not press that viewpoint. I would say, therefore, with respect to this condition that, as it seemingly is objectionable to the Norwegian government to recognize the sector as being Canadian, that contention might be dropped.

O.S. Finnie

¹⁰⁸ Voir. See doc. 444, enclosure and footnote, pièce jointe et note en bas de page.

¹⁰⁹ This memorandum was drafted by George Mackenzie. Cette note fut rédigée par George Mackenzie.

495.
Minutes of meeting of the Northwest Territories Council
Procès-verbal de réunion du Conseil des Territoires du Nord-Ouest
LAC/ BAC, MG 9 G-1, reel/ bobine M-812

MINUTES OF THE EIGHTEENTH SESSION OF COUNCIL HELD
 ON WEDNESDAY, THE 14TH MAY, 1930, IN THE OFFICE
 OF THE COMMISSIONER, MR. W.W. CORY, C.M.G., AT OTTAWA.

PRESENT:

Mr. W.W. Cory (in the Chair)	– Commissioner
Mr. R.A. Gibson	– Deputy Commissioner
Dr. D.C. Scott	– Member of Council
Colonel Cortlandt Starnes	– " "
Mr. H.H. Rowatt	– " "
Mr. O.S. Finnie	– " " and Director, N.W.T. & Y. Br.
Major D.L. McKeand	– Secretary.

IN ATTENDANCE:

Mr. Laurent Beaudry	– Department of External Affairs.
Major L.T. Burwash	– N.W.T. & Y. Branch
Mr. K.R. Daly	– Legal Adviser
Mr. G.P. Mackenzie	– N.W.T. & Y. Branch.

[...]

3. New Business– (1) Application of Commander Otto Sverdrup for a pension -

The Secretary read a letter† received from Dr. O.D. Skelton, enclosing two memoranda¹¹⁰ received from the office of the High Commissioner for the United Kingdom, Ottawa, indicating the view of the Norwegian Government on the negotiations regarding the Sverdrup islands; also a report¹¹¹ prepared thereon by the Director of the North West Territories and Yukon Branch of the Department of the Interior (copies attached).

Following a brief discussion it was moved by Colonel Starnes, seconded by Mr. Finnie that as soon as the item of \$67,000 has been passed by Parliament the Norwegian authorities be informed that this money will only be available up to the end of the present fiscal year and on the previously approved conditions. Carried.

[...]

¹¹⁰ Docs 491, 493.

¹¹¹ Doc. 494.

496.

Letter from Under-Secretary of State for External Affairs to First Secretary, High Commission of United Kingdom

Lettre du sous-secrétaire d'Etat aux Affaires extérieures au premier secrétaire, haut-commissariat du Royaume-Uni

LAC/BAC, RG 25, vol. 2667, file/ dossier 9057-A-40

Copy/ Copie

Ottawa, 22nd May, 1930

My dear Hadow,

With reference to the High Commissioner's memorandum of the 2nd April regarding a conversation between His Majesty's Minister in Oslo and the Norwegian Prime Minister as to the Sverdrup Islands, I may say that provision is being made in the Supplementary Estimates, which are to be tabled immediately, for payment of \$67,000 to Commander Sverdrup on the conditions previously agreed upon.

The Canadian Government will be quite prepared to acquiesce in the suggestion of the Norwegian Prime Minister that specific mention be made of the Islands and no recognition of any sector be implied. It does not, however, consider it desirable to accept the condition providing that fishing rights and the right to land on the Islands in question, should be retained by Norwegian subjects. This condition, which is now suggested for the first time, does not appear to be practicable or necessary. The fishing rights in this area are not likely to be of any particular value, while on the other hand the establishing of a servitude of this nature would greatly complicate the situation. The Norwegian Government may be assured that if in the future individual instances arise of Norwegian subjects desiring to share in the fishing rights or the right to land on the Islands, the Canadian Government will be prepared, in view of the friendliness shown by the Norwegian Government in this connection to deal with such cases with every possible consideration.

I shall advise you later as soon as the appropriation for Commander Sverdrup has received the approval of Parliament.

Yours sincerely,

[O.D. Skelton]

R.H. Hadow, Esquire,

Office of the High Commissioner for the United Kingdom,

Ottawa.

¹² On the absence of any reference in this letter to the Arctic Islands Game Preserve, see: En ce qui concerne l'absence de toute mention dans cette lettre de la Réserve de gibier des îles arctiques, voir doc. 493, footnote note en bas de page.

497.

Despatch from Secretary of State for Foreign Affairs to Minister of United Kingdom in Norway

Dépêche du secrétaire d'État aux Affaires étrangères au ministre du Royaume-Uni en Norvège

TNA, FO 337/95

Foreign Office, S.W.1.
5th June, 1930.

No. 214.

Sir,

With reference to your despatch No. 79 of March 12th last, I transmit to you herewith copies of two letters, with their enclosures,¹¹³ from the Dominions Office regarding the views of His Majesty's Government in Canada on the conditions upon which the Norwegian Government are prepared to recognise the Canadian claim to the Otto Sverdrup Islands.

2. I shall be glad if you will ascertain from the Norwegian Government whether they are prepared to agree to the settlement suggested by His Majesty's Government in Canada. In that event you should enquire whether they are willing that it should be embodied in a formal exchange of notes.

I am, with great truth and regard,

Sir,

Your obedient Servant,

(For the Secretary of State
[Arthur Henderson])
Laurence Collier

C.J.F.R. Wingfield, Esq., C.M.G.,
etc., etc., etc.
Oslo.

Enclosure: Letter from Dominions Office to Under-Secretary of State for Foreign Affairs

Pièce jointe : Lettre du Bureau des Dominions au sous-secrétaire d'État aux Affaires étrangères

Copy/ Copie

Dominions Office, Downing Street,
2nd June, 1930.

6059/18.

Sir,

With reference to the letter† from this Office No. 6059 13 of the 2nd April, I am directed by Lord Passfield to transmit to you to be laid before Mr. Secretary Henderson, the accompanying copy of a telegram† from the High Commissioner in Canada for His Majesty's Government in the United Kingdom communicating the views of His Majesty's

¹¹³ The second letter and the enclosures in both letters are not reproduced / La deuxième lettre et les pièces jointes aux deux lettres ne sont pas reproduites.

Government in Canada on the conditions upon which the Norwegian Government are prepared to recognise the Canadian claim to the Otto Sverdrup Islands.

2. If an arrangement on the basis indicated in this telegram is accepted by the Norwegian Government, Lord Passfield presumes that it will be necessary to proceed to a formal exchange of notes. It would appear that two sets of notes would, in fact, have to be exchanged dealing separately with the Otto Sverdrup Islands and Jan Mayen Island, the British note in the former case being expressed as written at the instance of His Majesty's Government in Canada. In the case of Jan Mayen Island it would presumably be sufficient to write on behalf of His Majesty's Government in the United Kingdom.

3. Lord Passfield would be glad if he could have an opportunity of seeing the drafts of any such notes which it may be proposed to exchange with the Norwegian Government in order that the Canadian Government may be consulted.

I am etc.,

[No signature/ Aucune signature]

The Under Secretary of State [Sir Robert Vansittart],
Foreign Office.

498.

Despatch from Minister of United Kingdom in Norway to Secretary of State for Foreign Affairs

Dépêche du ministre du Royaume-Uni en Norvège au secrétaire d'État aux Affaires étrangères

TNA, FO 337/96

Copy/ Copie

British Legation, Oslo.
11th June 1930.

No. 185.

Confidential.

Sir,

In compliance with the instructions conveyed to me in your despatch No. 214 [] of the 5th instant, I today called on the Secretary General of the Ministry for Foreign Affairs, as the Prime Minister is away for three weeks and I did not think I should postpone taking action for so long. I recapitulated the course of past negotiations as recorded in my telegram² No. 8 of January 30th and my despatch No. 79 of March 12th, and told him that, though it was impossible for the Canadian Government to agree to the retention by Norwegian subjects of special hunting and fishing rights in the Otto Sverdrup Islands – and there seemed to be much doubt as to whether any such rights in fact existed – I was authorised to assure the Norwegian Government that, in the event of the Canadian claim to these islands being recognised by Norway, His Majesty's Government in Canada were ready at all times to afford the utmost consideration to any Norwegian desiring to share in fishing or landing rights there.

2. Herr [] smarch said that he quite understood that there might be inconvenient claims to most-favoured-nation rights on the part of other countries, and he did not seem to attach much importance to this stipulation as originally put forward by Herr Mowinkel.

3. With regard to an exchange of notes, he said that he did not wish our understanding to appear as a bargain, since other nations, who were ready to recognise Norwegian claims to Jan Mayen Island without compensation, might be encouraged to attach conditions to

their consent. He therefore suggested that there should be two exchanges of notes. In the one Norway would recognise the Canadian claim to the Otto Sverdrup Islands, and in the other we should recognise the Norwegian claim to Jan Mayen Island. There might be an interval of several days between these notes, so that they should not appear to be closely connected, and he was prepared for the Norwegian note recognising the Canadian claim to the Otto Sverdrup Islands to be sent in first.

4. I said that I would refer this to you; and I added that you would doubtless wish to consult His Majesty's Government in Canada before instructing me as to the text of the notes to be exchanged.

5. I have so far refrained from giving the Norwegian Government anything in writing on this subject.

I have the honour to be,
with the highest respect,
Sir,

Your most obedient,
humble Servant,

[Charles Wingfield]

The Right Honourable Arthur Henderson, M.P.,
His Majesty's Principal Secretary of State for Foreign Affairs,
etc., etc., etc.

499.

Letter from Under-Secretary of State for External Affairs to First Secretary, High Commission of United Kingdom

Lettre du sous-secrétaire d'Etat aux Affaires extérieures au premier secrétaire, haut-commissariat du Royaume-Uni

LAC/BAC, RG 25, vol. 2667, file/ dossier 9057-A-40

Copy/ Copie

Ottawa, 13th June, 1930.

My dear Hadow,

With reference to my letter of the 22nd May regarding the Sverdrup Islands, I may say that we have received a telegram† from Mr. Bordewick asking information as to the payment of money.

As you are aware, the appropriation has been authorized by Parliament and formal release of the money which has to be made by Order-in-Council may be expected in a few days.¹¹⁴ We are informing Mr. Bordewick accordingly.

It seems that now is the appropriate time to take up the matter relating to the form in which the arrangement is to be concluded.

In his letter of the 22nd April, 1929, to the Prime Minister, Commander Sverdrup said that "as soon as the amount of compensation has been agreed upon, I bind myself to obtain by telegraph a satisfactory declaration from the Norwegian Government that the Kingdom of Norway waives all claim to the territories aforesaid". From the very beginning, we have taken the view that, as far as this aspect is concerned, nothing should be done which would in any way involve an acknowledgment of Norwegian claims and that the payment to Commander Sverdrup is to be conditional on a recognition that the islands form part of

¹¹⁴ Order-in-Council Décret du Conseil 1930-1371, 14 June - juin 1930, LAC BAC, RG 2, vol. 1461

Canadian territory. From Commander Sverdrup's letter referred to above, the intention seems to have been that the aspect of the arrangement relating to recognition, would take the form of a unilateral declaration, that is a declaration by the Government of Norway, and that the part to be played by the Canadian Government would consist in agreeing to pay a specified sum of money to Commander Sverdrup on a basis agreed upon with his attorney.

On the other hand, your memorandum of the [2nd] April indicates the desire of the Norwegian Prime Minister that the form of the arrangement be an exchange of notes. To this course, the Canadian authorities see no objection, and it may possibly be the best or the only practical course. If this course is to be followed, there arises the question as to what the notes to be exchanged should contain and it is natural that all parties concerned should wish beforehand to come to an understanding in this regard.

From your letter of the 21st January to me, it appears that "although unable to admit the validity of the grounds on which the Norwegian Government base their claim to annexation of Jan Mayen Island, His Majesty's Government in the United Kingdom are prepared to recognize the claim on the condition that the Canadian claim to the Otto Sverdrup Islands shall be recognized by the Norwegian Government, etc." I may say in this connection that the Canadian Government do not think it desirable that a reference to this attitude of His Majesty's Government in the United Kingdom as a condition should form part of the notes to be exchanged between His Majesty's Minister at Oslo acting in respect of Canada and the Norwegian Minister for Foreign Affairs, as it might imply acknowledging to some extent the Norwegian claim to the Sverdrup Islands. Furthermore, they do not quite see that the two matters can consistently be linked up together, in view of the position which they have taken towards Norway in regard to the Sverdrup Islands, and in view of the fact that the real *quid pro quo* for the Norwegian Government's action is the payment which Canada proposes to make to Commander Sverdrup. These considerations of course would not in any way tell against a simultaneous exchange of notes between the Governments of the United Kingdom and of Norway regarding Jan Mayen Island.¹

We should like to suggest that the notes to be exchanged, as regards the Sverdrup Islands, might be three in number. The first note, to be presented by His Majesty's Minister at Oslo acting in respect of the Canadian Government, would request the transmission of a cheque of \$67,000, made to the order of Commander Sverdrup and presented in recognition of his services to scientific research in the Canadian Archipelago, and in payment of certain valuable documents and information etc. The second note, from the Norwegian Minister for Foreign Affairs, would be an acknowledgment, affording also an opportunity (possibly taking form in a separate note) of recognizing in appropriate terms the Sverdrup Islands as forming part of Canadian territory. The final communication, from

¹ The British authorities never intended to publicly link the two issues, instead planning two separate exchanges of notes. See doc. 497, enclosure. Norwegian officials were as anxious as Skelton to avoid any appearance of a bargain. See doc. 498.

Les autorités britanniques ne voulurent jamais publiquement lier les deux enjeux, prévoyant plutôt deux échanges de notes diplomatiques distincts. Voir doc. 497, pièce jointe. Les responsables norvégiens étaient aussi anxieux que Skelton d'éviter toute apparence d'un marché. Voir doc. 498.

² This aspect of Skelton's proposal was regarded by the British as too suggestive of a bargain. See doc. 500 and doc. 501, enclosure. The official position of the Norwegian government was that it had nothing to do with the negotiations between Sverdrup and the Canadian government. See doc. 502.

Cet aspect de la proposition de Skelton fut considéré par les Britanniques comme trop évocateur d'un marché. Voir doc. 500 et doc. 501, pièce jointe. La position officielle du gouvernement norvégien fut qu'il n'avait rien à voir avec les négociations entre Sverdrup et le gouvernement canadien. Voir doc. 502.

His Majesty's Minister acting in respect of the Canadian Government, would serve to take note of this recognition.

We should be glad to have the views of the Norwegian Government on the subject of this exchange of notes.

Yours sincerely,

[O.D. Skelton]

R.H. Hadow, Esquire,
Office of the High Commissioner for the United Kingdom,
Ottawa.

500.

Letter from Head of Northern Department, Foreign Office, to Minister of United Kingdom in Norway

Lettre du chef du Département du Nord, Foreign Office, au ministre du Royaume-Uni en Norvège

TNA, FO 337/96

Foreign Office, S.W.1.

31st July, 1930.

Private.

Dear Charles,

Your letter† of July 23rd about Jan Mayen and the Otto Sverdrup Islands.

Agreement having been reached in principle, we have now been considering the question of procedure, and the present position is that we have written† to the Dominions Office suggesting that there should be two exchanges of notes.

We proposed that, in the first place, the Norwegian Minister here should hand in a note recognising the sovereignty of His Britannic Majesty over the Otto Sverdrup Islands, and that he should be sent a formal acknowledgment in reply. Then, after a suitable interval, you would hand the Norwegian Minister for Foreign Affairs a note recognising Norwegian sovereignty over Jan Mayen Island, in reply to which you would also receive a formal acknowledgment.

As regards the manner in which Captain Sverdrup is to be paid, we suggested either that the Canadian Government should pay him or his agents direct, or that, if they preferred it, the payment should be made through you. The Canadian Government had suggested¹¹⁷ earlier in the day that you should be asked to pay the sum in question to Monsieur Mowinkel, with the request that it might be transmitted to Captain Sverdrup, but we deprecated this proposal on the ground that it would have the effect of accentuating the connexion between the payment to Captain Sverdrup and the recognition by Norway of Canadian sovereignty over the islands, whereas our idea was to make the affair look as little like a bargain as possible.

The Dominions Office have now passed on these suggestions to the Canadian Government [...]

¹¹⁷ See/ Voir doc. 499.

That is the present position, and it is unlikely that anything further will happen during the next fortnight or so, but we shall, of course, send you an official despatch as soon as we learn whether the Canadian Government agree to our proposed course of action.

Yours ever

Horace Seymour

C.J.F.R. Wingfield, Esq., C.M.G.

501.

Letter from First Secretary, High Commission of United Kingdom, to Under-Secretary of State for External Affairs

Lettre du premier secrétaire, haut-commissariat du Royaume-Uni, au sous-secrétaire d'État aux Affaires extérieures

LAC/BAC, RG 25, vol. 2667, file/ dossier 9057-A-40

Ottawa, 1st August, 1930.

My dear Doctor,

With reference to previous correspondence regarding the Otto Sverdrup Islands, we have now received a telegram⁵ from the Secretary of State for Dominion Affairs offering suggestions as to the procedure which might be found suitable for recording an agreement with the Norwegian Government on the various points involved. These suggestions are set out in the Memorandum enclosed.

We have been instructed to enquire whether His Majesty's Government in Canada concur generally in the procedure suggested, and in particular whether they will themselves undertake payment to Commander Sverdrup. It would doubtless be desirable that the note from the Norwegian Minister, mentioned in paragraph 1 of the Memorandum, should be published as soon as it has been received and acknowledged, and we have been asked to ascertain that the Canadian Government would have no objection to this course.

Yours sincerely,

R.H. Hadow

Dr. O.D. Skelton, M.A.,

Under-Secretary of State for External Affairs.

⁵ Skelton replied the same day agreeing to the proposed procedure. He stated that the Canadian government would make the payment directly to Sverdrup, however this arrangement was later changed, and the British charge d'affaires gave the cheque to Sverdrup's representative, Alexander Nansen. Skelton répondit le même jour en acceptant la procédure proposée. Il déclara que le gouvernement canadien effectuerait le paiement directement à Sverdrup, cependant, cet arrangement fut plus tard modifié et le charge d'affaires britannique donna le cheque au représentant de Sverdrup, Alexander Nansen. See/ Voir docs 520, 521.

Skelton also requested, probably by telephone, that quick action be taken so that the exchange of notes could be made before Mackenzie King's defeated government left office on 6 August. Skelton demanda aussi, probablement par téléphone, que l'on agisse rapidement afin que l'échange de notes diplomatiques puisse être effectué avant que le gouvernement démissionnaire de Mackenzie King quitte ses fonctions le 6 août.

See/ Voir Hadow to Dominions Office, 1 August 1930, TNA, DO 114 34.

Enclosure: Memorandum by High Commission of United Kingdom
Pièce jointe : Note du haut-commissariat du Royaume-Uni

Confidential.

1. In the first instance the Norwegian Minister in London would address a note in the following terms to the Secretary of State for Foreign Affairs:

"Acting on the instructions of the Norwegian Government I have the honour to request you to inform His Britannic Majesty's Government in Canada that the Norwegian Government withdraw all claims to the Otto Sverdrup Islands and formally recognise the sovereignty of His Britannic Majesty over these Islands."

A formal acknowledge[ment] of this note would be addressed to the Norwegian Minister in reply.

2. His Majesty's Minister at Oslo would then be instructed after an interval of several days to address a note to the Norwegian Minister for Foreign Affairs intimating recognition by His Majesty's Government in the United Kingdom of Norwegian sovereignty over Jan Mayen Island. A formal acknowledgement would be received from Monsieur Mowinkel in reply.

3. With regard to the payment to be made to Commander Sverdrup, it is felt that the procedure involving least risk of creating difficulties or misunderstandings would be for His Majesty's Government in Canada to pay the sum in question direct to Commander Sverdrup or his agents, obtaining from him in return a renunciation of his personal claims. If, however, the Canadian Government see objection to that course His Majesty's Government in the United Kingdom would be prepared to arrange for His Majesty's Minister at Oslo to make the payment to Commander Sverdrup. His Majesty's Government in the United Kingdom would deprecate payment of the sum in question to the Norwegian Minister for Foreign Affairs for transmission to Commander Sverdrup, since this would have the undesirable effect of tending to accentuate the connection between the payment to Commander Sverdrup and the recognition by the Norwegian Government of His Majesty's sovereignty over the Otto Sverdrup Islands.

Ottawa, 1st August, 1930.

502.

Despatch from Minister of United Kingdom in Norway to Secretary of State for Foreign Affairs

Dépêche du ministre du Royaume-Uni en Norvège au secrétaire d'État aux Affaires étrangères

TNA, FO 337/96

Copy/Copie

British Legation, Oslo.

August 5th, 1930.

No. 228.

Sir,

When your telegram† No. 21 of the 2nd instant reached me, the Ministry for Foreign Affairs was already closed for the week end. The Prime Minister was in Bergen and was reported to be in bed with an attack of gout, whilst the Secretary-General was at his summer residence down the Christiania Fjord. I was consequently unable to do anything until yesterday, Monday, when I saw Herr Esmarch and begged him to do everything

possible in order to ensure that the Norwegian Legation in London should today address to you the desired note recognising British sovereignty over the Svalbard Islands. This he promised to do, but he said that Herr Mowinkel must obviously be hurried and, as he was only due back on the 23d instant, there would be little time to spare. He would, however, draft the necessary instructions for transmission to the Norwegian Chargé d'Affaires in London without delay as soon as the Prime Minister had approved of them.

2. Herr Esmarch saw no objection to the immediate publication of the Norwegian note when it had been received and acknowledged, but he expressed the hope that no reference would be made to the payment to be made by the Canadian Government to Captain Otto Sverdrup, since that would produce the false impression that the Norwegian recognition had been obtained in return for this payment, whereas the arrangements between the Canadian Government and Captain Sverdrup were quite independent of those between the two Governments, and the Norwegian Government were not officially concerned with them.

3. He noted that the payment by the Canadian Government to Captain Sverdrup would be made direct, and, at my request, he undertook to inform Herr Elynd Bortewick, Captain Sverdrup's agent here, of this, since Herr Bortewick has been pressing me for information on this subject and I thought it best that he should cease to do so.

4. Herr Esmarch also noted that I awaited further instructions with regard to the British recognition of Norwegian sovereignty over Jan Mayen Island, which they would expect in due course.

5. This morning, however, I had a telephone message from Herr Esmarch to tell me that, owing to his post being worse, Herr Mowinkel could not return to Oslo until the 23d instant, so that it would be impossible to send the desired instructions before that day. I had already seen in the press that, owing to His Excellency being unable to leave his bed, his return had been postponed, and that a Cabinet Council was to be held on the 23d, and I expect that Herr Mowinkel will obtain the assent of his Colleagues on that occasion before instructions are sent to London.

6. I regret that it has proved impossible to get this matter settled more rapidly, but the delay is due to the absence of the Prime Minister and to the severity of his attacks of gout, which will necessitate his going to Lms for a cure before he attends the Assembly of the League of Nations in September, not to any lack of good-will at the Ministry for Foreign Affairs.

I have the honour to be,
with the highest respect,

Sir,

Your most obedient,
humble Servant,

[Charles Wingfield]

The Right Honourable Arthur Henderson, M.P.,

His Majesty's Principal Secretary of State for Foreign Affairs,
London.

503.

Despatch from Minister of United Kingdom in Norway to Secretary of State for Foreign Affairs

Dépêche du ministre du Royaume-Uni en Norvège au secrétaire d'État aux Affaires étrangères

TNA, FO 337/96

Copy/ Copie

British Legation, Oslo.

August 8th, 1930.

No. 230.

Confidential.

Sir,

I have the honour to transmit to you herewith a translation* of a letter which I have today received from Herr Esmarch, Secretary General of the Norwegian Ministry for Foreign Affairs, informing me of the instructions sent to the Norwegian Charge d'Affaires in London respecting two notes which he is to address to you on the subject of Norwegian recognition of British sovereignty over the Sverdrup Islands.

2. I reported to you the purport of the above-mentioned instructions in my telegram* No. 26 of today's date; but I feel that I should supplement that telegram by some comment on the fact that the Norwegian Government have once more asked for special assurances respecting Norwegian "fangst" (hunting or fishing) or economic activities in the region to which this recognition applies.

3. As I had the honour to inform you in my despatch No. 185 of June 11th last, I duly made to Herr Esmarch a verbal communication to the effect that His Majesty's Government in Canada felt that it would not be possible to agree to the retention by Norwegian subjects of special rights on the Sverdrup Islands, but that the utmost consideration would be shown to any Norwegian desiring to share in fishing or landing rights there; and he appeared to be satisfied with this declaration, since he referred to the difficulty which might arise from most-favoured-nation rights claimed by other nations, were such special rights granted to Norway. This question has not since been raised, either by him or by Herr Mowinkel; and neither of them has suggested that an understanding on this subject should be embodied in separate notes. The explanation may be that Herr Mowinkel's Colleagues have once more pressed for the insertion of this condition, which was put forward by Herr Mowinkel, as recorded in my despatch no. 79 of March 12th, after discussions with them and with members of the Storting, but it seems to me possible that they may only expect to receive formally and in writing the reply which I delivered verbally, and I await your instructions as to whether I should take any steps to ascertain whether this is indeed what is expected.

4 I beg leave to enclose herem a copy of a memorandum¹ giving the text of the verbal communication made by me to Herr Esmarch on June 11th.

I have the honour to be,
with the highest respect,
Sir,
Your most obedient,
humble Servant,
[Charles Wingfield]

The Right Honourable Arthur Henderson, M.P.,
His Majesty's Principal Secretary of State for Foreign Affairs,
London.

504.

Note from Chargé d'affaires, Legation of Norway in United Kingdom, to Secretary of State for Foreign Affairs

Note du chargé d'affaires, légation de Norvège au Royaume-Uni, au secrétaire d'État aux Affaires étrangères

LAC/BAC, RG 25, vol. 4253, file/ dossier 9057-40

London, August 8th, 1930.

No. 95/1930.

Sir,

Acting on instructions from my Government I have the honour to request you to be good enough to inform His Majesty's Government in Canada that the Norwegian Government, who do not as far as they are concerned claim sovereignty over the Sverdrup Islands, formally recognise the sovereignty of His Britannic Majesty over these islands.

At the same time my Government is anxious to emphasize that their recognizance of the sovereignty of His Britannic Majesty over these islands is in no way based on any sanction whatever of what is named "the sector principle".

I have the honour to be,
with the highest consideration,
Sir,
Your most obedient,
humble Servant,
Daniel Steen,
Chargé d'Affaires a.i.

The Right Honourable Arthur Henderson, P.C., M.P.,
etc. etc. etc.

505.

Note from Chargé d'affaires, Legation of Norway in United Kingdom, to Secretary of State for Foreign Affairs

Note du chargé d'affaires, légation de Norvège au Royaume-Uni, au secrétaire d'État aux Affaires étrangères

LAC/ BAC, RG 25, vol. 4253, file/ dossier 9057-40

London, August 8th, 1930.

No. 96/1930.

Sir,

With reference to my note of to-day in regard to my Government's recognition of the sovereignty of His Britannic Majesty over the Sverdrup Islands. I have the honour, under instructions from my Government, to inform you that the said note has been despatched on the assumption on the part of the Norwegian Government that His Britannic Majesty's Government in Canada will declare themselves willing not to interpose any obstacles to Norwegian fishing, hunting or industrial and trading activities in the areas which the recognition comprises.

I have the honour to be,
with the highest consideration,

Sir,

Your most obedient,
humble Servant,

Daniel Steen,
Chargé d'Affaires a.i.

The Right Honourable Arthur Henderson, P.C., M.P.,
etc. etc. etc.

506.

Memorandum by Principal, Dominions Office

Note du commis, Bureau des Dominions

TNA, DO 35/146/3

[London]

[...] ¹¹⁹

5. There has been no further reference to this condition on the part of the Norwegian Govt and we have since proceeded on the assumption that it was to be regarded as withdrawn. i.e. as satisfied by the assurance conveyed by H.M. Minister.

6. It will be seen that the condition now stipulated in the Norwegian note No 96 represents in one respect a modification of the condition originally put forward by Herr Mowinkel. The original condition was that "Norwegian subjects should retain the right to fish or hunt on these islands and in the surrounding waters". What is now demanded is that

¹¹⁹ The omitted portion of this memo summarizes the conversations between Wingfield and the Norwegians up to 11 June 1930, when Esmarch stated that he understood the Canadian and British objections to the condition with regard to hunting and fishing.

La portion omise de cette note résume les conversations entre Wingfield et les Norvégiens jusqu'au 11 juin 1930, lorsque Esmarch déclara qu'il comprenait les objections canadiennes et britanniques à la condition concernant la chasse et la pêche.

the Canadian Govt should "declare themselves willing not to interpose any obstacles to Norwegian fishing, hunting or industrial and trading activities in the areas which the recognition comprises". While this formula does not imply the existence of special rights, it might well be interpreted as a guarantee at least of national treatment, and the modification is therefore more apparent than real. Moreover, the formula in another respect goes further than the original condition in that it applies also to "industrial and trading activities".

P.A. Clutterbuck 11 8

507.

Letter from First Secretary, High Commission of United Kingdom, to Under-Secretary of State for External Affairs

Lettre du premier secrétaire, haut-commissariat du Royaume-Uni, au sous-secrétaire d'État aux Affaires extérieures

LAC/ BAC, RG 25, vol. 2667, file/ dossier 9057-A-40

Ottawa, 11th August, 1930.

Urgent.

My dear Doctor,

I learn through the Dominions Office that the Norwegian Prime Minister has instructed the Norwegian Charge d'Affaires in London to address two Notes to His Majesty's Government regarding recognition of the Canadian claim to the Otto Sverdrup Islands. The first will recognise the sovereignty of His Majesty but not the sector principle; the second will state that recognition of the Canadian Government's claim is given on the understanding that His Majesty's Government in Canada will undertake not to impede Norwegian fishing or economic activities within the region in question.

Unfortunately the Norwegian Government did not consult His Majesty's Minister at Oslo with regard to the terms of these Notes, but, in the circumstances, there seems to be no alternative but to await their receipt, despite the fact that the second Note from the Norwegian Government is not entirely consonant with the attitude taken by the Secretary General of the Norwegian Ministry of Foreign Affairs as outlined in my letter¹ of the 11th July [...].

I should be glad to know whether His Majesty's Government in Canada would desire me to transmit any comments at the present stage.

Yours sincerely,

R.H. Hadow

Dr. O.D. Skelton, M.A.,

Under-Secretary of State for External Affairs.

508.

Letter from Assistant Deputy Minister of the Interior to Under-Secretary of State for External Affairs

Lettre du sous-ministre adjoint de l'Intérieur au sous-secrétaire d'État aux Affaires extérieures

LAC/ BAC, RG 25, vol. 2667, file/ dossier 9057-A-40

Ottawa, 11th August, 1930.

Dear Dr. Skelton,—

My Deputy Minister [W.W. Cory] has read your letter† of the 11th instant, with enclosed copies of communications with the Office of the High Commissioner for the United Kingdom, Wellington Chambers, Ottawa, regarding the Sverdrup Islands, and has asked me to advise you that he agrees absolutely with the view expressed in your letter of the 22nd May.

The money should not be paid over until we get the sort of note we require from the Norwegian authorities. It might be well to wait, as suggested by Mr. Hadow, and see what sort of notes come forward as a result of the negotiations.

Yours very truly,

R.A. Gibson
Asst. Deputy Minister.

O.D. Skelton, Esq., M.A., Ph.D.,

Under-Secretary of State for External Affairs,
Ottawa.

509.

Letter from Under-Secretary of State for External Affairs to First Secretary, High Commission of United Kingdom

Lettre du sous-secrétaire d'État aux Affaires extérieures au premier secrétaire, haut-commissariat du Royaume-Uni

LAC/ BAC, RG 25, vol. 2667, file/ dossier 9057-A-40

Copy/ Copie

Ottawa, 14th August, 1930

My dear Hadow,

I have your letters of the 11th August and the 12th August,^{†120} regarding the Sverdrup Islands negotiations.

The first note from the Norwegian Charge d'Affaires of August 8th would be quite satisfactory. The second note, however, raises a serious difficulty. As indicated in my letter of the 22nd May, 1930, the Canadian Government considers that the establishment of a condition of the kind suggested would raise distinct complications, both from the

¹²⁰ Hadow's letter of 12 August forwarded copies of the two Norwegian notes; stated that official British views on the matter would soon be communicated; and suggested that no payment be made to Sverdrup in the meantime.

La lettre de Hadow du 12 août transmettait des copies des deux notes diplomatiques norvégiennes; il indiquait que l'avis officiel de la Grande-Bretagne sur la question serait bientôt communiqué et recommandait qu'aucun paiement ne soit versé à Sverdrup d'ici là.

See. Voir *DCER/ DRREC*, vol. 4, doc. 930.

vagueness of the privileges and from the qualification on full sovereignty involved in such a servitude. As further intimated, there is no question that it in actual practice in instances arises of Norwegian subjects desiring to share in the fishing, hunting, or industrial and trading activities in these areas, every possible consideration would be given. It is hoped, however, that the Norwegian Government will not consider it necessary to request a formal declaration such as is proposed in the second note, and which it is considered [is] more likely to create difficulties than to solve them.¹²¹

Yours sincerely,

[O.D. Skelton]

R.H. Hadow, Esquire,

Office of the High Commissioner for the United Kingdom,
Ottawa.

510.

Letter from First Secretary, High Commission of United Kingdom, to Under-Secretary of State for External Affairs

Lettre du premier secrétaire, haut-commissariat du Royaume-Uni, au sous-secrétaire d'État aux Affaires extérieures

LAC/BAC, RG 25, vol. 2667, file/ dossier 9057-A-40

Ottawa, 14th August, 1930.

Urgent.

My dear Doctor,

I am now in receipt of the comments of His Majesty's Government in the United Kingdom on the stipulations made in the second Norwegian Note of the 8th August regarding the Sverdrup Islands.

2. As it stands this Note appears wide enough to preclude the imposition by the Canadian Government of any conditions whatsoever (even conditions imposed on British subjects) on Norwegian subjects or companies in respect of fishing, hunting, industrial or trading activities in the area in question.

3. The practice of His Majesty's Government in the United Kingdom is to exclude hunting and fishing from the scope of its Commercial Treaties and to accord only most-favoured-nation treatment in industrial and trading activities. As you will know the Commercial Convention between Great Britain and Norway of the 18th March 1826, which is applicable to Canada, provides generally for most-favoured-nation treatment as regards trade.

4. As the Norwegian stipulations in the present instance are doubtless unacceptable to the Canadian Government the choice appears to lie between granting Norwegians national treatment in the area in question in respect to the activities mentioned above, or offering them most-favoured-nation treatment only. His Majesty's Government in Canada will doubtless appreciate that, were national treatment to be granted to Norwegian subjects,

This letter was written after consultation with Prime Minister King. Cette lettre fut rédigée après consultation du premier ministre King. See 'Voir Skelton to Cory, 14 August 1930, LAC/BAC, RG 85, vol. 584, file/ dossier 571.

¹²² See 'Voir Lewis Hertslet, ed., *A Complete Collection of the Treaties and Conventions, and Reciprocal Regulations, at present subsisting between Great Britain & foreign Powers...*, so far as they relate to Commerce and Navigation, vol. 3 (London: Henry Butterworth, 1827), pp. 433-438.

similar privileges would have to be granted in the area in question to subjects and citizens of all foreign countries possessing the right to most-favoured-nation treatment in Canada under the various treaties already concluded. Moreover, it might be held on general grounds that there are objections in principle to conceding national treatment in matters which are usually regulated by most-favoured-nation treatment.

5. Subject therefore to the wishes of His Majesty's Government in Canada, I am to suggest the desirability of endeavouring to induce the Norwegian Government to accept the offer of most-favoured-nation treatment in respect of all activities mentioned, coupled with the assurance that the Canadian Government do not at present contemplate imposing any conditions on hunting and fishing in the Islands.

6. An early expression of the views of His Majesty's Government in Canada is requested in order that instructions may be sent without delay to His Majesty's Minister at Oslo.

Yours sincerely,

R.H. Hadow

Dr. O.D. Skelton, M.A.,
Under-Secretary of State for External Affairs.

511.

Letter from Under-Secretary of State for External Affairs to Deputy Minister of the Interior

Lettre du sous-secrétaire d'État aux Affaires extérieures au sous-ministre de l'Intérieur

LAC/ BAC, RG 85, vol. 584, file/ dossier 571

Ottawa, Aug. 14, 1930.

W.W. Cory, Esq.,
Deputy Minister of the Interior,
Ottawa.

My dear Mr. Cory:

Since writing you† today regarding the Sverdrup islands negotiations I am in receipt of a further communication¹²³ from the Office of the British High Commissioner setting forth the comment[s] of the British Government. I enclose a copy.

I assume that there would of course be no objection to offering most favored nation treatment, as we are pledged by treaty to give this in all parts of Canada, but the assurance "that the Canadian Government do not at present contemplate imposing any conditions on hunting and fishing in the islands" would require more consideration. Presumably the Sverdrup islands will be subject to the same conditions as obtain in the rest of the Canadian archipelago, and I would be inclined to think it would be preferable to indicate what those conditions are, and to make it clear that they would not impose any hardship on Norwegian enterprise in the very unlikely event of any privileges in the area in question being sought.

¹²³ Doc. 510.

I should be glad to have your views on the subject as early as convenient.

Yours sincerely,

O.D. Skelton

512.

Memorandum from Director, Northwest Territories and Yukon Branch, to Deputy Minister of the Interior

Note du directeur, Secteur des Territoires du Nord-Ouest et du Yukon, au sous-ministre de l'Intérieur

LAC/BAC, RG 85, vol. 584, file/dossier 571

Ottawa, 18th August, 1930.

Memorandum:

W.W. Cory, Esq., C.M.G.,
Deputy Minister of the Interior.

Dr. Skelton wrote you, on the 14th instant, regarding the Sverdrup Islands negotiation and asked your views on the subject referred to in the letter.

On the same day, however, he wrote to Mr. Hadow, after consultation with the Prime Minister, setting out the views of the Government respecting special privileges for Norwegian subjects.

Dr. Skelton assumes that there would be no objection to offering the Norwegians most favoured nation treatment[,] but the assurance that the Canadian Government do not at present contemplate imposing any conditions on hunting and fishing in the Sverdrup group could not possibly be given because there are restrictions on hunting and trapping in this area already. These islands are within the Arctic Islands Preserve, which was created by Order in Council¹²⁴ and which [sic] forbids hunting or trapping by all Nationals except Eskimo, including British. In other words all the northern area including the Sverdrup Islands [is] reserved for the use and benefit of the Eskimo people. They have the exclusive right to hunt there. This privilege, however, does not extend to the Musk-ox which is fully protected against hunting even by Eskimo. We could not very well, therefore, extend the privilege of hunting to Norwegian subjects and as for fishing this is not practical, owing to the inaccessibility of the islands and for the further reason [that] they would be surrounded by ice at all times of year.

I am not sure whether Dr. Skelton knows of the Arctic Islands Preserve and of the restrictions therein. If you so desire I will explain the situation to him.

A copy of the map* of the North West Territories indicating this reserve, together with a copy of the Game Regulations¹²⁵ creating [sic] it, are enclosed in case you wish to send them to Dr. Skelton.¹²⁶

O.S. Finnie

¹²⁴ Marginal notes: Notes marginales :
Mr Finnie for his views. W.W. C[ory]
Rush [W.W. Cory?]

¹²⁵ See: Voir doc. 415, footnote note en bas de page.

¹²⁶ *Regulations Respecting Game in the Northwest Territories* (Ottawa: F.A. Acland, 1930)

¹²⁷ Marginal note: Note marginale :
[D]iscussed at N.W.T. Council 19 Aug. 30. D. Mc[Keand]

513.
Minutes of meeting of Northwest Territories Council
Procès-verbal de réunion du Conseil des Territoires du Nord-Ouest
LAC/ BAC, MG 9 G-1, reel/ bobine M-812

MINUTES OF A SPECIAL SESSION OF THE NORTH WEST TERRITORIES COUNCIL
HELD ON TUESDAY, THE 19TH AUGUST, 1930, IN THE OFFICE OF THE COMMISSIONER,
MR. W.W. CORY, C.M.G., AT OTTAWA.

PRESENT:

- | | |
|------------------------------|-------------------------------------|
| Mr. W.W. Cory (in the chair) | – Commissioner |
| Mr. R.A. Gibson | – Deputy Commissioner |
| Dr. Charles Camsell | – Member of Council |
| Dr. D.C. Scott | – " " |
| Mr. O.S. Finnie | – " " and Director, N.W.T. & Y. Br. |
| Major D.L. McKeand | – Secretary. |

IN ATTENDANCE:

- | | |
|------------------|--|
| Dr. O.D. Skelton | – Under-Secretary of State for External Affairs. |
| Mr. K.R. Daly | – Legal Adviser. |

1. New Business–

(a) Sverdrup Islands–

Dr. Skelton reported that the Norwegian authorities seemed to be having some difficulty in connection with the formal relinquishment of the interest which they claimed in the Sverdrup group of islands and that they again wanted to bring in the question of permitting Norwegians special privileges in connection with landing on the islands and fishing in the surrounding waters. Mr. Cory thought that in view of the fact that the Northern Advisory Board, the Federal Parliament and later the Governor General in Council had all favourably considered the application of Commander Sverdrup for compensation on the understanding that concurrently with the payment of the gratuity Norway would formally relinquish all claim to sovereignty over the land in question; also that as these islands form part of the Arctic Islands Preserve, created for the exclusive use of the Eskimos, and that not even Canadians could hunt and trap thereon, it would be impossible to justify more favourable treatment for Norwegians. The Secretary then read the Order in Council* (P.C. 4371) dated the 14th June 1930 (copy attached), authorizing the payment of Commander Sverdrup's gratuity. It was recommended that Dr. Skelton draft an official communication pointing out that the payment was authorized by the former Government only on the understanding that Norway would completely relinquish her claim and that the money was not available on any other understanding; also that the North West Game Regulations would not permit anyone, even a Canadian citizen, to hunt and trap in this area.

[...]

514.

Letter from Under-Secretary of State for External Affairs to First Secretary, High Commission of United Kingdom

Lettre du sous-secrétaire d'Etat aux Affaires extérieures au premier secrétaire, haut-commissariat du Royaume-Uni

LAC/ BAC, RG 25, vol. 2667, file/ dossier 9057-A-40

Copy/ Copie

Ottawa, 21st August, 1930

My dear Mr. Hadow,

I am in receipt of your letter of the 12th August enclosing the texts of the two notes addressed to the Secretary of State for Foreign Affairs by the Norwegian Charge d'Affaires in London with regard to the Sverdrup Islands.

The Canadian Government is pleased to observe that in the first note the Norwegian Government recognize the sovereignty of His Britannic Majesty over the Sverdrup Islands, and indicate that they do not themselves claim sovereignty over them.

The second note, however, raises difficulties. A declaration such as is suggested, that the Canadian Government will not interpose any obstacles to Norwegian fishing, hunting, industrial or trading activities in the areas concerned, would in any case be difficult to make, in view of the indefinite terms of the suggested declaration and of the doubt which might be implied as to the complete sovereignty of His Britannic Majesty. Quite aside from these considerations, however, we should like to make it clear that the regulations in force in the Canadian Arctic prohibit hunting and trapping even by Canadian nationals, other than Indians or Eskimos. Under Order-in-Council passed on the 19th July, 1926 (P.C. 1146) it is provided that except with the permission of the Commissioner of the North-West Territories no person other than native Indians or Eskimos shall hunt, trap, trade, or traffic for any purpose whatsoever in certain areas, which, in addition to a large part of the districts of Mackenzie and Keewatin on the mainland, include the whole of the Arctic islands north of the mainland, with the exception of the southern portion of Baffin Island. The considered and established policy of the Canadian Government, for the protection of the natives of the Arctic regions, is clearly set out in this Order-in-Council, which states that these measures are taken because "unless further steps are taken to protect the areas reserved as hunting and trapping preserves for the sole use of the aboriginal population of the North-West Territories, there is grave danger that these natives will be reduced to want and starvation through the wild life being driven out of said preserves by the exploitation of the same by white traders and other white persons." Only four posts, on the mainland and islands on the southern margin of the preserve, have been allowed to continue under license, and all other requests for hunting or trading purposes by white persons, Canadians or others, including the Hudson's Bay Company, have been refused. It is further provided that no person, even Indians or Eskimos, may hunt or kill or traffic in the skins of the musk-ox, buffalo, wapiti, or elk.

The Canadian Government is convinced that the Government of Norway, when placed in possession of these facts, which indicate that Canadian nationals (other than Indians or Eskimos) are not permitted to hunt or trade in the Arctic archipelago, will recognize that the Canadian Government is not in a position to make a declaration that such privileges will be granted to Norwegian citizens, and that the Government of Norway will not

consider it necessary to make any stipulation or addition to the statement contained in the first note.¹²⁸

Yours sincerely,

[O.D. Skelton]
Under-Secretary of State
for External Affairs

R.H. Hadow, Esq.,

Office of the High Commissioner for the United Kingdom,
Ottawa.

515.

Letter from First Secretary, High Commission of United Kingdom, to Under-Secretary of State for External Affairs

Lettre du premier secrétaire, haut-commissariat du Royaume-Uni, au sous-secrétaire d'État aux Affaires extérieures

LAC/ BAC, RG 25, vol. 2667, file/ dossier 9057-A-40

Ottawa, 30th August, 1930.

Dear Dr. Skelton,

With reference to previous correspondence regarding the Sverdrup Islands, I am writing in Hadow's absence to let you know that he telegraphed† the substance of your letter of the 21st August to London, and has now received a reply† saying that His Majesty's Government in London fully appreciate the position of the Canadian Government in this matter and will, of course, do their best to secure the withdrawal of the second Norwegian Note.

It is suggested in this message that, in view of the assurance previously conveyed to the Norwegian Government, on the basis of the last sentence of paragraph 2 of your letter of the 22nd May, the best course would be that His Majesty's Minister at Oslo should be authorised in negotiating with the Norwegian Government to give them, at his discretion, in return for the withdrawal of their second Note, a written assurance which they could publish, should they so desire, to the effect that, so far as may be compatible with their general policy, as evidenced by the Order in Council of the 19th July, 1926, His Majesty's Government in Canada would be ready at all times to give the utmost consideration to any Norwegian application for fishing or landing facilities on the islands.

We are asked to ascertain whether this suggestion commends itself to the Canadian Government, and whether they have any special views as to the terms of the suggested assurance.

Yours sincerely,

P. Liesching

Dr. O.D. Skelton, M.A.

Under-Secretary of State for External Affairs.

¹²⁸ A draft of this letter was sent by Skelton to Finnie. Finnie provided the details regarding the Arctic Islands Game Preserve and made a few amendments. Une ébauche de cette lettre fut envoyée par Skelton à Finnie. Finnie fournit les détails concernant la Réserve de gibier des îles arctiques et fit quelques modifications. See Voir Finnie to Skelton, 21 August 1930, and enclosed amended draft et ébauche modifiée jointe, also in file/ aussi au dossier 9057-A-40.

516.

Letter from Under-Secretary of State for External Affairs to First Secretary, High Commission of United Kingdom

Lettre du sous-secrétaire d'Etat aux Affaires extérieures au premier secrétaire, haut-commissariat du Royaume-Uni

LAC/ BAC, RG 25, vol. 2667, file/ dossier 9057-A-40

Copy/ Copie

Ottawa, Sept. 2, 1930.

P. Liesching, Esq.,

Office of the High Commissioner for the United Kingdom,

Ottawa.

My dear Mr. Liesching:

I have your note of Aug. 30 regarding the Sverdrup islands discussion.

We would expect that the Norwegian Government, upon being placed in possession of the full details as to the policy of protecting the aboriginal within the Canadian Government has adopted in the Arctic, involving the exclusion of Canadian white men as well as outsiders from the exploitation of this area, would not press the request. We would much prefer, therefore, that no assurance to be published, even in the modified form suggested in your note, should be given. So long as the general policy evidenced by the 1926 Order-in-Council is in force—and there is no indication of any desire to change it—such an assurance would, as a matter of fact, amount to nothing. If, however, the Norwegian Government presses for some statement, we would be prepared, in view of the desirability of an early termination of the negotiations and of the assurance previously conveyed on the basis of our letter of the 22nd May, to agree to a statement in the terms proposed. May I repeat, however, that we hope that this will not prove necessary.

Press despatches indicate that Commander Sverdrup is seriously ill in Copenhagen. We are therefore anxious to complete the financial transactions with him as soon as possible.

Yours sincerely,

[O.D. Skelton]
Under-Secretary of State
for External Affairs

517.

Telegram from Fivind Bordewick to Under-Secretary of State for External Affairs

Telegramme d'Fivind Bordewick au sous-secrétaire d'Etat aux Affaires extérieures

LAC/ BAC, RG 25, vol. 2667, file/ dossier 9057-A-40

Oslo [4 September 1930]

External Ottawa

Your letter of August twenty-second and telegram of September (initial) Norwegian Foreign Department has as yet not received your official request regarding fishing hunting rights

¹ These communications to Fivind Bordewick that Canada's interest in recognition of its rights and that no payment would be made until such recognition was received. Ces communications informaient Bordewick que le Canada s'attendait à une reconnaissance sans condition de ses droits et qu'aucun paiement ne serait fait avant qu'une telle reconnaissance ne soit reçue.

and declares will not press matter if you immediately telegraphically address them accordingly. Kindly rush matter.¹³⁰

Bordewick.

518.

Letter from First Secretary, High Commission of United Kingdom, to Under-Secretary of State for External Affairs

Lettre du premier secrétaire, haut-commissariat du Royaume-Uni, au sous-secrétaire d'État aux Affaires extérieures

LAC/ BAC, RG 25, vol. 2667, file/ dossier 9057-A-40

Ottawa, 15th September, 1930.

Personal.

My dear Doctor,

My telegram^{*} based on your letter^{*} of the 4th September regarding the Sverdrup Islands has elicited the following reply:—

In the absence of the Prime Minister of Norway, His Majesty's Minister at Oslo saw the Secretary-General of the Ministry of Foreign Affairs on the 12th September. The latter said that the Norwegian Government had been unaware of the existence of the Canadian Order-in-Council of 1926¹³¹ to which you referred in your letter^{*} of the 21st August, and emphasized the active interest taken by public opinion in Norway in Polar hunting and fishing. He could not agree to withdraw the Second Norwegian Note.

He suggested that His Majesty's Government in Canada should indicate their inability to give the assurance asked for [because of] this Order-in-Council, and point out that Norwegians would be placed in the same position as British Subjects and other persons with the exception of Eskimos and Indians. Also that any application by Norwegians for licences would be considered in a friendly spirit. Although he would have to consult the Norwegian Government before saying so officially, he felt that this would satisfy them.

I am asked to ascertain whether, if the Norwegian Government confirms the Secretary-General's suggestions, the statement on the lines proposed would be acceptable to His Majesty's Government in Canada, and also whether the latter would agree to the publication of the Second Norwegian Note and the suggested reply, if the Norwegian Government attaches importance to this procedure.

Since this information was sent from Oslo His Majesty's Government in the United Kingdom will have received a further telegram^{*} from me based on your letter^{*} of the 11th, but they will in all probability consider Mr. Bordewick's information to which you referred me as less accurate than that conveyed to His Majesty's Minister in Oslo and set out above, and I should be grateful for an early indication of what further action you desire taken.

Yours sincerely,

R.H. Hadow

Dr. O.D. Skelton, M.A.,

Under Secretary of State,

Department of External Affairs, Ottawa.

^{*} Skelton immediately forwarded a copy of this telegram to the British High Commission. Skelton envoya immédiatement une copie de ce télégramme au haut-commissariat britannique. See/ Voir Skelton to Liesching, 4 September 1930, also in file aussi au dossier 9057-A-40.

¹³¹ Compare with the statement in/ Comparer avec la déclaration dans doc. 421.

519.

Letter from Under-Secretary of State for External Affairs to First Secretary, High Commission of United Kingdom

Lettre du sous-secrétaire d'Etat aux Affaires extérieures au premier secrétaire, haut-commissariat du Royaume-Uni

LAC/BAC, RG 25, vol. 2667, file/dossier 9057-A-40

Copy/Copie

Ottawa, Sept. 23, 1930.

R.H. Hadow, Esq.,

Office of the High Commissioner for the United Kingdom,
Ottawa.

My dear Mr. Hadow:

I am in receipt of your letter of Sept. 15 giving the substance of a discussion between His Majesty's minister at Oslo and the Secretary-General of the Norwegian Ministry for Foreign Affairs on Sept. 12, regarding the Sverdrup islands.

If on further consideration the Norwegian Government is unwilling to withdraw its second note, the Canadian Government would be prepared to agree to an answer being sent to it substantially as follows:

"His Majesty's Government in Canada has noted the desire on the part of the Norwegian Government that no obstacles should be interposed to Norwegian fishing, hunting, or industrial and trading activities in the area which the recognition comprises, and wishes to assure the Norwegian Government that it would have pleasure in according any possible facilities. It wishes, however, to draw attention to the fact that it is the established policy of the Government of Canada, as set forth in an Order-in-Council of July 19, 1926, and subsequent Orders, to protect the Arctic areas as hunting and trapping preserves for the sole use of the aboriginal population of the Northwest Territories, in order to avert the danger of want and starvation through the exploitation of the wild life by white hunters and traders. Except with the permission of the Commissioner of the Northwest Territories, no person other than native Indians or Eskimos is allowed to hunt, trap, trade, or traffic for any purpose whatsoever in a large area of the mainland and in the whole Arctic island area, with the exception of the southern portion of Baffin Island. It is further provided that no person may hunt or kill or traffic in the skins of the musk-ox, buffalo, wapiti, or elk. These prohibitions apply to all persons, including Canadian nationals. Should, however, the regulations be altered at any time in the future, His Majesty's Government in Canada would treat with the most friendly consideration any application by Norwegians to share in any fishing, hunting, industrial, or trading activities in the areas which the recognition comprises."

Yours sincerely,

[O.D. Skelton]
Under-Secretary of State
for External Affairs

This statement had been approved by the Department of the Interior. In October Hadow informed Skelton that Prime Minister Mackenzie King had agreed to the statement. Cette déclaration a été approuvée par le ministère de l'Intérieur. En octobre, Hadow informa Skelton que le premier ministre Mackenzie King acceptait le libellé.

See: Voir Gibson to Skelton, 18 September, and et Hadow to Skelton, 21 October, also in file, aussi au dossier 9057-A-40.

520.

Letter from Minister of United Kingdom in Norway to Head of League of Nations,
General and Western Department, Foreign Office

Lettre du ministre du Royaume-Uni en Norvège au chef du Département de la Société
des Nations, des affaires générales et de l'Ouest, Foreign Office

TNA, FO 337/96

Copy/ Copie

[Oslo,] October 11th 1930.

Confidential.

My dear Howard Smith,

My letter† of the 9th.

I have this morning had a telephonic conversation with Mr. Alex. Nansen, the legal adviser to this Legation, who has been consulted by Otto Sverdrup, a great personal friend of his, about his affairs. It seems that, though Sverdrup does not know it, he is dying of cancer. Nansen wanted to know whether the cheque which I had¹³³ he must have heard of this from the Utenriksdepartement was made out in the name of Sverdrup; and, when I replied that it was, he said that Sverdrup would give him a power-of-attorney to receive and cash it. He asked me to let him know, as soon as I received instructions to make this payment, which I have undertaken to do.

I am in doubt whether to communicate also with Herr Eivind Bordewick, General Agent of the Canadian Pacific Line, who has hitherto been making enquiries at this Legation on behalf of Sverdrup. My inclination is to ask Nansen to let Bordewick know.

I have impressed upon Nansen that the transaction is at present confidential and should not be regarded as part of any negotiations I may have with the Norwegian Government; and I have warned him that I may have to ask for some special form of receipt.

It will doubtless be an advantage to carry out this transaction through so trustworthy an agent as Nansen; but, as Sverdrup is so ill, it is desirable that the matter should be dealt with quickly.

I have not yet heard from the Utenriksdepartement whether Mowinkel is satisfied with the suggested reply to the second note left at the Foreign Office by the Norwegian Chargé d'Affaires.

[Charles Wingfield]

C. Howard Smith, Esq.,
Foreign Office.

¹³³ A sterling draft for the payment to Sverdrup had been sent directly to Oslo, with a reminder that the payment should not be made until the matter of hunting and fishing rights was settled to Canada's satisfaction.

Une traite bancaire en livres sterling pour le paiement à Sverdrup avait été envoyée directement à Oslo avec un rappel que le paiement ne devait pas être fait avant que la question des droits de chasse et de pêche ne soit réglée à la satisfaction du Canada.

See/ Voir Skelton to Wingfield, 23 September 1930, TNA, FO 337/96.

521.

Letter from First Secretary, High Commission of United Kingdom, to Legation of United Kingdom in Norway

Lettre du premier secrétaire, haut-commissariat du Royaume-Uni, à la légation du Royaume-Uni en Norvège

TNA, FO 33796

Ottawa, 13th October, 1930

Dear Chancery,

With reference to my letter of the 23rd of September, I am enclosing herewith the form of receipt which the Canadian Government desires Otto Sverdrup to give you in return for the payment of \$67,000 (sixty-seven Thousand dollars) which is to be made to him in connection with the recognition of the sovereignty of His Majesty over the Sverdrup Islands.

We have been instructed by the Dominions Office to send this receipt direct to you, in draft form. You will observe from the letter¹ sent to His Majesty's minister on the 23rd of September by the Department of External Affairs at Ottawa that the authority to pay the money and retain Dr. Sverdrup's receipt is to reach you by cable.

Yours ever,

R.H. Hadow

The Chancery, Oslo.

Enclosure: Draft receipt

Pièce jointe : Projet d'accusé de réception

I hereby acknowledge receipt of draft for £13,767.2 1d. from the Government of Canada in recognition of my contributions to the knowledge of the Arctic Archipelago in the Sverdrup Islands area, and in full payment for maps, notes and other material bearing on the said region, which I have delivered for transmission to the Government of Canada. I am prepared to offer my services to the Government of Canada for consultation in regard to this region at any time that may be desired.¹³⁴

(Signed) Otto Sverdrup.

¹ A copy of this letter is now in the possession of the Norwegian Government. The original power of attorney and the original receipt, dated 5 November 1930, are in LAC, RG 25, vol. 2667, file 9057-A-40.

Un reçu sous cette forme fut dûment signé au nom de Sverdrup par Alexander Nansen. La procuration et le reçu original de Nansen, datés du 5 novembre 1930, se trouvent dans BAC, RG 25, vol. 2667, dossier 9057-A-40.

522.

Memorandum [by First Secretary, Department of External Affairs?]

Mémoire [du premier secrétaire, ministère des Affaires extérieures?]

LAC/ BAC, RG 25, vol. 1564, file/ dossier 1930-237

Copy/ Copie

[Ottawa,] Oct. 29/30.

CANADIAN SOVEREIGNTY IN THE ARCTIC¹³⁵

[...]

The Dominion of Canada claims sovereignty over the entire area north of its mainland, bounded on the east by a line passing midway between Greenland and Baffin, Devon and Ellesmere Islands until such line reaches the 60th meridian of [west] longitude and thence northward to the Pole; the western boundary follows the 141st [west] meridian from the mainland to the Pole.

The rights previously acquired by Great Britain in the Arctic archipelago were transferred to Canada by Imperial Order in Council of July 31st, 1880, which provided that "all British territories and possessions in North America and the islands adjacent to such territories and possessions which are not already included in the Dominion of Canada, shall (with the exception of Newfoundland and its dependencies) be annexed to and form part of the said Dominion."

Canada's claim to this portion of the Arctic zone is based upon the so-called "sector" theory, the effect of which is that those nations possessing sovereignty over the most northerly occupied land ipso facto possess sovereignty over the area to the north thereof.

This area comprises both the land and the ice-fields. Indeed, for all practical purposes, no distinction can be drawn between land and ice-covered water. The exercise of sovereignty over the one is as important as over the other, inasmuch as habitations may be built, meteorological stations set up and hunting carried on upon the ice. That the ordinary rules relating to territorial waters are inapplicable is obvious.

However, it cannot be maintained that the "sector" theory is a well-established principle of international law. Indeed, it was first propounded in its present form by Canada for the purpose of securing sovereign rights over the above-described area of the Arctic zone.

The question will never become one of universal concern as there are only five nations (U.S.S.R., Norway, Denmark, United States and Canada) whose territory borders upon the Arctic zone. A different situation exists in the Antarctic because the South Pole is situated on a continent, portions of which are claimed (through discovery and occupation) by nations whose territories are not adjacent thereto.

Nevertheless, in a memorandum¹³⁶ (1925) of the Australian National Research Council, is set out a claim for an "Australian sector" of the Antarctic, quoting as a precedent the Canadian claim:

¹³⁵ Many of the references in this document are copied from earlier memos by James White and Pearson. For full citations, see docs 343, 365, enclosures and footnotes, and doc. 459. / Un bon nombre des références de ce document sont copiées à partir de mémos antérieurs de James White et de Pearson. Pour les références complètes, voir docs 343, 365, pièces jointes et notes en bas de page, et doc. 459.

¹³⁶ "Imperial Conference, 1926: British Policy in the Antarctic," Dominions E-101, Appendix III, copy in copie dans LAC/ BAC, RG 85, vol. 771, file: dossier 5342.

"But, in 1886, the Canadian Government applied a new principle in the Arctic regions. There has been universal recognition of Canada's claim. The principle obviously commends itself, for in such cases the most closely adjacent civilized Government is likely to be best placed and best informed and also most interested in establishing a good administration. The same principle has been followed elsewhere in the Arctic, as witness the recent assignment of Spitzbergen to Norway and the recognition of Russia's claim to Wrangel Island. And, in the Antarctic, the establishments of the Falkland Islands Dependency under British rule and of the Ross Dependency, placed under New Zealand (July 30, 1923), are also entirely in accord with the Canadian principle."

The assertion that "There has been universal recognition of Canada's claim" is unfortunately incorrect. In fact, Norway, during the negotiations for payment of a gratuity to the discoverer of the Sverdrup Islands, definitely refused to accept the "sector" theory.

The Department of State of the United States has maintained a studied silence upon this point. The portion of the Arctic zone north of Alaska is almost entirely unexplored. A discovery of land there might result in a declaration of policy on the part of the Department of State.¹⁸

There is nothing to indicate what stand Denmark will take upon the matter.

A most important pronouncement, however, has recently been made by the nation, which together with Canada, is most vitally interested in the Arctic. On April 15th, 1926, the Soviet Government issued a decree claiming as the territory of the U.S.S.R. all islands and lands, known or unknown, lying within that portion of the Arctic ocean which is bounded on the south by the Soviet coast line, and on the east and west by the meridians of longitude, extending to the north pole from Behring Strait and the Soviet-Norwegian boundary respectively.

This decree was, in effect, a definition and confirmation of a declaration of sovereignty contained in a note¹⁹ of October 23rd, 1916, from the Russian Ambassador in London to the British Government. That note stated that the Russian Government regarded the islands north of Siberia as "*faisant partie integrante de l'Empire*" on the ground that they formed "*une extension vers le nord de la plate-forme continentale de la Sibirie*".

It is to be noted that while the Soviet and Canadian claims are identical in principle the official Soviet claim is less far reaching inasmuch as it extends only to "islands and lands" and not to the ice-fields between them. In this connection it is interesting to refer to the publication in 1928 in Moscow by the People's Commissariat for foreign affairs of a

¹⁸ This mistake appears in the original 1926 document. Cette erreur apparaît dans le document original de 1926.

¹⁹ The Americans were indeed holding back from any public comment on the sector theory lest such hint be discovered. A 1926 State Department memorandum noted that:

Les Américains se retenaient en effet de faire des commentaires publics sur la théorie des secteurs craignant qu'une telle terre ne soit découverte. Un mémoire du département d'État de 1926 indiquait que :

[A]n objection on the part of this government to the theory of contiguous sectors would effectively estop any United States claim to the sector lying north of Alaska. ... [A] careful evaluation ... is necessary before any decision can properly be reached.

See: Von Peter Kikkert and P. Whitney Lackenbauer, eds. *United Approvals of Canada's Arctic Sovereignty: Key Documents, 1908-56* (Calgary and Waterloo: Centre for Military and Strategic Studies, Centre on Foreign Policy and Federationism, 2014), doc. 17. The author of the memo (Robert L. Keiser) is not identified by Kikkert and Lackenbauer. L'auteur du mémoire (Robert L. Keiser) n'est pas identifié par Kikkert et Lackenbauer.

¹⁹ Doc. 286, enclosure: pièce jointe.

pamphlet, "The Right to the Northern Polar Regions", by W.L. Lakhtine.¹⁴⁰ with a preface by Professor Savanin, who is presumably the legal adviser of the Commissariat. The pamphlet attempts to prove that the Soviet Government is entitled to extend sovereignty not only over the land, known and unknown, but also over the whole of the ice, sea and air within the "sector", and urges that the decree of April 15, 1926, be thus amended. Despite the semi-official nature of the publication, there has been no official activity in this direction. Extension of sovereignty over the navigable portions of the sea would carry the "sector" theory to an extreme unjustifiable in international law. It is to be expected that the Soviet Government will not make the attempt.

The "sector" theory is not based upon abstract principles of international law, but is rather a rule of convenience or of necessity. For example, no country, other than Canada, can conveniently administer justice, supervise the conservation of game and fisheries, and secure the welfare of the inhabitants in the area claimed as the Canadian "sector" of the Arctic. Indeed the greater portion of the area is inaccessible, even in these days of modern aircraft development, except through the territories occupied by Canada. Canadian sovereignty is exercised by the mere extension northward of existing administrative and judicial machinery.

While the sector theory is a comparatively new doctrine, it is, nevertheless, based at least partially upon precedent. The treaty of 1867, by which Alaska was transferred by Russia to the United States, describes the western boundary as a line passing through a certain point in Behring's Strait and proceeding "due north without limitation into the Frozen Ocean". The extremity of that boundary line must, therefore, be the North Pole. The eastern boundary was northward along the 141st meridian to the "Frozen Ocean". To complete the boundaries of the area the eastern boundary must extend to the extremity of the western — and thus form a "sector".

In principle the "sector" theory closely corresponds to the "hinterland" theory as outlined in 1826 by Mr. Gallatin, negotiator on behalf of the United States:

"The actual possession and populous settlements of the valley of the Mississippi, including Louisiana, and now under our sovereignty, constitute a strong claim to the westwardly extension of that province over the contiguous vacant territory, and to the occupation and sovereignty of the country as far as the Pacific Ocean. ... It will not be denied that the extent of contiguous territory, to which an actual settlement gives a prior right, must depend in a considerable degree on the magnitude and population of that settlement, and on the facility with which the vacant adjoining land may, within a short time, be occupied, settled, and cultivated by such population, as compared with the probability of its being thus occupied and settled from another quarter."

The "sector" theory may be regarded as a natural and necessary extension of the "hinterland" theory in its application to the polar regions, of which there can never be any "settlement", in the ordinary meaning of the word.

The sovereignty of Canada over this area may be established by the application of the doctrine of "contiguity", either as the basis of the "sector" theory, or operating independently of it. This doctrine was propounded, as early as 1844, in a note written by the United States Secretary of State to the British Minister, in the following terms:

"That continuity furnishes a just foundation for a claim of territory, in connection with those of discovery and occupation, would seem unquestionable. It is admitted by all that neither of them is limited by the precise spot discovered or occupied. It is evident that,

¹⁴⁰ English translation published as: Traduction anglaise publiée comme suit "Rights Over the Arctic," *American Journal of International Law*, vol. 24, no. 4 (October 1930), pp. 703-717.

in order to make either available, it must extend at least some distance beyond that actually discovered or occupied, but how far, as an abstract question, is a matter of uncertainty ... How far the claim of continuity may extend ... can be settled only by reference to the circumstances attending each."

Undoubtedly the circumstances existing in the polar regions, where difficulties of occupation are tremendous in comparison with a similar situation in a temperate or tropic zone, would warrant a claim to even so large and unknown an area as the Canadian Arctic Sector, although the doctrine of continuity would be of little avail in an attempt to establish sovereignty over so large a territory in a more easily accessible portion of the world. This doctrine is founded upon the presumption that the most closely contiguous nation is most vitally interested in such territory and best fitted to exercise governmental supervision over its inhabitants.

There appear to be particularly strong reasons for applying the "contiguity" doctrine to defend Canada's claim to sovereignty over the Arctic archipelago. The islands are not isolated units, but are closely connected and, together with the mainland, form a geographical entity. Indeed the archipelago may be considered as an extension of the mainland, and joined to it by the natural grouping of the islands, in addition to the connecting links of the ice-fields.

Moreover, even apart from an application of the "sector" theory or the "contiguity" doctrine, the Dominion of Canada has established its claim to sovereignty over all the known Arctic islands within the boundaries of the sector. The recognized requirements of discovery and occupation (and perhaps "notification of the fact") have been complied with. With few exceptions all the known insular areas in the Canadian Arctic were discovered and possession thereof formally taken by British commissioned navigators, and such acts of possession formally announced to the world in the British Government's Blue Books. The more recent discoveries have resulted from explorations carried on by the Canadian Government.

In 1670, King Charles II granted a Charter to the Hudson's Bay Company by virtue of which the Company, for two centuries, exercised a proprietary government over the area covered by its charter and established posts throughout the Arctic drainage basin of the mainland. Since the sale of its rights and privileges to the British Crown and the transfer thereof to Canada over half a century ago, the Hudson's Bay Company and other fur-trading companies have extended their operations to the Arctic islands and have established licensed posts therein, thus exercising a control over practically the whole of the native population.

Governmental supervision over the activities of the trading companies is maintained; section 9(a) of the Regulations under the Northwest Game Act reads:

"No trading post, within the meaning of this Act, or the regulations thereunder, shall be established or maintained in any part of the Northwest Territories, unless the establishment or maintenance of such post has been authorized by the Commissioner."

There are four trading posts within the Arctic Islands Preserve: Walker Bay, west coast of Victoria Island; Cambridge Bay, south coast of Victoria Island; Petersen Bay, south coast of King William Island; and Repulse Bay, at the northern extremity of Hudson Bay.

Further governmental control over the area was exercised by the creation of the Arctic Islands Preserve, by Order in Council of July 19, 1926, (P.C. 1146) and the enlargement of the boundaries thereof by Order in Council of May 15, 1929 (P.C. 807).¹⁴¹ The reason for the creation of the Preserve, as stated in the preamble, was that "unless further steps are taken to protect the area reserved as hunting and trapping preserves for the sole use of the aboriginal population of the Northwest Territories, there is grave danger that these natives shall be reduced to want and starvation, through the wild life being driven out of said preserves by the exploitation of the same by white traders and other white persons."

As a result, no person except a native, unless he possesses a government license, may trap or shoot within this area which extends to the North Pole, having as its eastern and western boundaries the 60th and 141st meridians respectively.

The most important factor in the control of the northland is the Royal Canadian Mounted Police. Seven permanent posts extending from Baffin and Victoria Islands northward to Ellesmere Island have been established in addition to the mainland posts. From these posts regular patrols are made and contact is maintained with the Eskimo settlements. At Bache Peninsula, Ellesmere Island (latitude 79° 04' N.) Canada maintains the most northerly Post Office and Customs House in the world.

In addition to the supervision of the welfare of the Eskimo (for whom medical service is provided by the Department of Indian Affairs) and assistance to the Post Office and Customs Departments, the Mounted Police are responsible for the enforcement of all the ordinances and regulations of the Northwest Territories, including game laws and the issue of game animal and bird licenses to the various trading companies; the supervision of liquor permits; the enforcement of the Migratory Birds Convention Act for the Department of the Interior; and the enforcement of the Criminal Code. Members of the Force are also called upon to assist in the taking of the census, in the collection of Eskimo material and ethnological and biological specimens for the Departments of Mines and Agriculture, and in the taking of readings at the different posts for the Director of Meteorological Service.

In addition to the police work, important scientific and investigatory work has been carried on. Local surveys have been made and geological and biological expeditions organized by various governmental departments. Duty has been collected on whaling and sealing outfits entering the sector.

The "Scientists and Explorers" Ordinance (assented to June 23, 1926) provides that "no person shall enter the Northwest Territories for scientific or exploration purposes without first obtaining a license so to do from the Commissioner of the said Territories".

¹⁴¹ The boundaries of the Arctic Islands Game Preserve were initially altered by Order-in-Council 1929-113, 25 January 1929, which merged the Banks, Victoria, and Arctic Islands Preserves. Order 1929-807 confirmed these boundaries and set out revised game regulations. See *Canada Gazette*, 9 February 1929, p. 2599, and 25 May 1929, pp. 4018-4023. Maps showing the 1926 and 1929 boundaries can be found in LAC, RG 85, vol. 1389, file 406-1.

Les limites territoriales de la Réserve de gibier des îles arctiques furent initialement modifiées par le décret du Conseil 1929-113, 25 janvier 1929, qui fusionnait les réserves de Banks, de Victoria et des îles arctiques. Le décret 1929-807 confirmait ces limites territoriales et établissait des règles de chasse révisées. Voir *Canada Gazette*, 23 février 1929, p. 2819, et 25 mai 1929, p. 4018-4023. Des cartes montrant les limites territoriales de 1926 et de 1929 se trouvent dans BAC, RG 85, vol. 1389, dossier 406-1.

Annual patrols of the northern waters, commenced in 1903 by C.G.S. *Neptune*, have been carried on in more recent years by C.G.S. *Arctic*.

It, therefore, appears that the steps taken by Canada towards occupation of the sector fully meet the test as set out in Cobbert's "Leading Cases on International Law" Vol. I Peace,¹⁴² at p. 111:-

"... in determining the area affected by occupation, some regard must be had to the question of the configuration of the country, including its geographical unity, the question of access and means of communication, the question of the character and extent of the existing population, and the requirements of security, although it does not appear possible to formulate any precise rules on the subject."

Important consequences attach, in international law to the exercise of jurisdiction over the natives. In the boundary disputes between British Guiana and Brazil¹⁴³ and between British Guiana and Venezuela, it was held that control over the native population constitutes effective occupation. Canada has thus solidified her position from this standpoint also.

A suggested requirement in addition to discovery and occupation, namely "notification of the fact" or "public assertion of ownership" has been fully complied with by Canada by the publication of official documents, press notices, and charts showing the areas claimed. As early as 1904 the Canadian Government published a map showing "Explorations in Northern Canada" and setting out the boundaries of the Canadian sector.

While there are no definite periods of prescription in International Law, it may be confidently urged that the absence of protest and tacit acquiescence on the part of other nations for so long a period will bar any claims which they might have asserted.

However, any claims which might have been urged in past years by other nations were, at the best, of a very "shadowy" nature.

In 1903-05 Hansen of the Amundsen (Norwegian) Expedition discovered a short stretch of new coastline north of Victoria Land, which he named King Haakon VII Land. It is not specifically stated in Hansen's published account¹⁴⁴ of this trip whether formal possession was taken of this discovery or not, but there is no likelihood of any Norwegian claim to it being put forward at this late date and since the actual occupation of portions of this island by Canada.

The United States explorers Kane and Hayes (1853-55) and (1860-61), Hall (1871) and Greely (1881-84) explored and surveyed portions of Ellesmere Island. However, in view of its discovery by the English navigators Bylot and Baffin in 1616, the exploration of Capt. John Ross (1818), Commander Inglefield R.N. (1852) and Capt. Nares R.N. (1875-76), the occupation by the Royal Canadian Mounted Police and the total absence of "public assertion of ownership" on the part of the United States, it cannot be doubted that that nation will not at this date make any claim to the Island.

¹⁴² P. G. Cobbert, *Leading Cases on International Law*, vol. I, 4th edn. ed. by H. G. H. Baker (London: Sweet and Maxwell, 1922).

¹⁴³ *The Argentine-Brazilian Case (Brazil v. Great Britain)* 6 June 1906. (*Journal of International Law and Awards. Recueil des sentences arbitrales*, vol. 11.

¹⁴⁴ O. H. Hansen, "Towards King Haakon VII's Land" in *status Boreal Arctidensis, The Arctic Boreal Passage* (London: Constable, 1908), pp. 296-364.

It may, therefore, be definitely stated that any "inchoate" title which another nation may have acquired by discovery of land in the Canadian Arctic has not been converted into valid ownership by actual open and continuous occupation within a reasonable time. Canada's title to sovereignty in the Canadian Arctic sector is now perfect.

[Lester Pearson?]¹⁴⁵

523.

Note from Chargé d'affaires, Legation of United Kingdom in Norway, to Prime Minister and Minister of Foreign Affairs of Norway

Note du chargé d'affaires, légation du Royaume-Uni en Norvège, au premier ministre et ministre des Affaires étrangères de Norvège

LAC/BAC, RG 25, vol. 4253, file/dossier 9057-40

*Copy/ Copie*¹⁴⁶

British Legation, Oslo.
November 5th 1930.

No. 122.

Monsieur le Ministre d'Etat,

At the instance of His Majesty's Government in Canada and under the instructions of His Majesty's Principal Secretary of State for Foreign Affairs, I have the honour to invite reference to the two notes addressed to His Majesty's Secretary of State for Foreign Affairs by the Norwegian Chargé d'Affaires in London on August 8th last, in regard to the recognition by the Norwegian Government of the sovereignty of His Britannic Majesty over the Otto Sverdrup Islands, and to inform you that His Majesty's Government in Canada has noted the desire on the part of the Norwegian Government that no obstacles should be interposed to Norwegian fishing, hunting, or industrial and trading activities in the area which the recognition comprises, and wishes to assure the Norwegian Government that it would have pleasure in according any possible facilities. It wishes, however, to draw attention to the fact that it is the established policy of the Government of Canada, as set forth in an Order in Council of July 19, 1926, and subsequent Orders, to protect the Arctic areas as hunting and trapping preserves for the sole use of the aboriginal population of the Northwest Territories, in order to avert the danger of want and starvation through the exploitation of the wild life by white hunters and traders. Except with the permission of the Commissioner of the Northwest Territories, no person other than native Indians or Eskimos is allowed to hunt, trap, trade, or traffic for any purpose whatsoever in a large area of the mainland and in the whole Arctic island area, with the exception of the southern portion of Baffin Island. It is further provided that no person may hunt or kill or traffic in the skins of the musk-ox, buffalo, wapiti, or elk. These prohibitions apply to all persons, including Canadian nationals. Should, however, the regulations be altered at any time in the future, His Majesty's Government in Canada would treat with the most friendly consideration any application by Norwegians to share in any fishing, hunting, industrial, or trading activities in the areas which the recognition comprises.

¹⁴⁵ Pearson seems to be the most likely author of this memo. If he did not in fact write it, the author may have been Laurent Beaudry. Pearson semble être l'auteur le plus probable de ce mémoire. S'il ne l'a pas réellement rédigé, l'auteur pourrait avoir été Laurent Beaudry.

¹⁴⁶ This copy was certified by Charles Wingfield. Cette copie fut certifiée par Charles Wingfield.

I avail myself of this opportunity to assure you, Monsieur le Ministre d'Etat, of my highest consideration.

[Kenneth Johnstone]

Son Excellence Monsieur J.L. Mowinkel,
etc., etc., etc.

524.

Note from Minister of Foreign Affairs, Norway, to Chargé d'affaires, Legation of United Kingdom in Norway

Note du ministre des Affaires étrangères, Norvège, au chargé d'affaires, légation du Royaume-Uni en Norvège

LAC/BAC, RG 25, vol. 4253, file/ dossier 9057-40

Oslo, 5. november 1930.

Hr. Chargé d'Affaires,

Jeg har den ære å erkjenne mottagelsen av Deres note av 5 ds., avgitt i svar på de to noter fra den norske chargé d'affaires i London til den britiske utenriksminister av 8 august d.å. angående Norges anerkjennelse av Hans Britanniske Majestets suverenitet over Otto Sverdrups øyene.

Den norske regjering har bemerket sig, at den kanadiske Regjering gjerne vilde ha innrømmet norsk fangst-og næringsdrift innen disse områder enhver mulig lettelse, men at det er et ledende prinsipp i den Kanadiske Regjerings politikk å søke bevare de arktiske områder til utelukkende bruk som jakt-og fangstområder for Nordvestterritoriernes urbefolkning for å hindre, at den kommer i nød som følge av hvite regeres og fangstfolks utnyttelse av vildtbestanden, og at den ved en flertal av forordninger har uttømmet nærmere forskrifter i det øiemed.

Den norske regjering har videre bemerket sig, at den Kanadiske Regjering, om disse forskrifter fremtidig skulde bli endret, vil behandle på den velvilligste måte enhver henvendelse fra nordmenn om adgang til å drive fiske, fangst, industriell eller handelsvirksomhet innen de områder, den norske regjerings anerkjennelse omfatter.

Jeg tillater mig å meddele, at den norske regjering finder efter omstendighetene å kunne akviesere ved det saledes avgivne svar på før nevnte noter av 8 august d.å.

Motta, Hr. Chargé d'Affaires, forsikringen om min særlige høiaktelse.

For Utenriksministeren

Aug. Esmarch

Hr. Kenneth Johnstone,

Det Britiske Rikes Chargé d'Affaires,
etc., etc.

¹⁴⁷ Once this note was received, the exchange of notes on Jan Mayen Island went forward. Une fois cette note diplomatique reçue, l'échange de notes eut lieu en ce qui concerne l'île Jan Mayen. See: Voir United Kingdom, *Treaty Series*, 1931, no. 14.

Translation provided by Foreign Office¹⁴⁸
 Traduction fournie par le Foreign Office
 LAC/ BAC, RG 25, vol. 2667, file 9057-A-40

Oslo, 5th November, 1930.

Monsieur le Chargé d'Affaires,

I have the honour to acknowledge the receipt of your note of the 5th instant in reply to the two notes from the Norwegian Chargé d'Affaires in London to the British Foreign Minister of the 8th August last regarding Norway's recognition of His Britannic Majesty's sovereignty over the Otto Sverdrup Islands.

The Norwegian Government has noted that the Canadian Government would willingly have granted every possible facility to Norwegian fishing, hunting or industrial and trading activities in these regions, but that it is a leading principle in the policy of the Canadian Government to preserve the Arctic regions as hunting and trapping preserves for the sole use of the aboriginal population of the Northwest Territories, in order to prevent their being in want as a consequence of the exploitation of the wild life by white hunters and trappers, and that they have drawn up more definite regulations to this end by means of several Orders in Council.

The Norwegian Government has further noted that should these regulations be altered in the future, the Canadian Government will treat in the most friendly manner any application from Norwegians for facilities to carry on fishing, hunting, industrial or trading activities in the areas which the Norwegian Government's recognition comprises.

I beg to inform you that in these circumstances the Norwegian Government find themselves able to concur in this reply to the above-mentioned notes of 8th August last.¹⁴⁹

I avail myself etc.

(For the Minister for Foreign Affairs
 [Johan Mowinckel])
 [Aug. Esmarch]

Kenneth Johnstone, Esq.,
 The British Government's Chargé d'Affaires,
 etc., etc.

¹⁴⁸ A different and less accurate translation was printed in *Une traduction différente et moins précise fut imprimée dans DCER/ DRREC*, vol. 4, doc. 936.

¹⁴⁹ All the diplomatic notes on the Sverdrup Islands were published in the *Canada Gazette*, 22 November 1930, pp. 1407-1408, and the *Canada Treaty Series*, 1930, no. 17.

Toutes les notes diplomatiques sur les îles Sverdrup furent publiées dans la *Canada Gazette*, 22 November 1930, p. 1407-1408, et dans le *Recueil des traités du Canada*, 1930, n° 17.

525.

Letter from J.E. Bernier to Acting Prime Minister
Lettre de J.E. Bernier au premier ministre par intérim

LAC/ BAC, RG 85, vol. 584, file/ dossier 571

Levis, November 13th, 1930.

Hon. Sir George Perley,
 Acting Prime-Minister,
 Ottawa, Ontario,

Dear Sir George:—

I see by the papers that Canada has settled with Captain Otto Sverdrup, Norwegian, for the amount of labor that he has done on the Northern Islands during the years 1899-1900-1 and 2.

I suppose you are aware that during the years 1898-99, 1900-1-2-3-4, I was lecturing in different parts of England, Scotland, America and Canada, about the importance of taking possession of our Northern Islands, at my own expense.

The Government decided to send me in 1904 to the Hudson Bay, and in 1906-7 to the Arctic Islands, and it was during these years and 1908-9 that I took possession, for the Dominion of Canada, [of] the whole of the Arctic Archipelago, from 60 Meridian West to 141 degrees West, up to 90 degrees North, which is reported in the "Cruise of the Arctic" for 1906-7-8-9, and I beg to enclose (1) Sir Wilfrid Laurier's approval¹ (2) Hon Mr. Meighen's letter² (3) Hon Charles Stewart, Minister of the Interior³ (4) Mr. Rodolphe Lemieux⁴ (5) Sir James Loughheed, Minister of the Interior,⁵ approving of my work, which chart can be seen at the Department.

During the voyage of 1906-7, we took possession of the following:

"C.G.S. 'Arctic,' James [Jones] Sound,
 August 12th, 1907.

On this day we landed on this point, on North Lincoln, and annexed the following lands and islands: North Lincoln, Grinnell Land, Ellesmere Land, Arthur Land, Grant Land, King Oscar's Land, North Kent, and several islands, namely, Axel Heiberg Land, Ammund Ringnes Land, Ellee Ringnes Land, King Christian Land, formerly named Finlay Land; North Cornwall, Graham Land, Buckingham Land, Table Island, and all

¹ See: Voir Bernier, "Canadian Rights in the Arctic," *Transactions of the Royal Canadian Institute* (Ottawa) (1909) (Ottawa: Mortimer Press, n.d.), pp. 190-192. Laurier's remarks are on pp. 191-192. Les remarques de Laurier se trouvent aux p. 191-192.

² The letters from Stewart and Lemieux praised Bernier in brief, general terms. Meighen's letter stated his determination to maintain Canada's northern sovereignty, but made no reference to Bernier's claims. There was no letter from Loughheed, merely a note from Meighen's secretary stating that because of Meighen's absence, a letter from Bernier to Meighen would be forwarded to Loughheed.

Les lettres de Stewart et de Lemieux louaient Bernier en termes brefs et généraux; la lettre de Meighen énonçait sa détermination à maintenir la souveraineté du Canada sur le Nord, mais elle ne faisait aucune référence aux revendications de Bernier. Il n'y eut aucune lettre de Loughheed; seulement une note du secrétaire de Meighen indiquant qu'à cause de l'absence de Meighen, une lettre de Bernier à Meighen serait envoyée à Loughheed.

adjacent islands as forming part of the Dominion of Canada, and I hereby annex the above named lands as part of the Dominion of Canada.

J.E. Bernier, Commanding Officer,
George Hayes, Chief Officer,
O.J. Morin, Second Officer,
Wingate H. Weeks, Purser.

North Lincoln Point, named King Edward VII., lat. 76° 19' N., Long. 81° 24' W. [variation] 124° westerly inside east of Smith Island. Cairn on a small point red rock, solid, 12th August 1907.

J.E. Bernier."

I beg to put before you that on this date I done my duty, and since 1922 the Government has sent a boat to maintain possession for Canada, commanded by J.E. Bernier, until I was superanuated, some four years ago.

Therefor, I congratulate the present Government for having settled with the Norwegian Government for the expenditure that they have made to survey these Islands, and I beg to remain,^{152 153}

Yours very truly,

J.E. Bernier F.R.G.S.

526.

Memorandum from Director, Northwest Territories and Yukon Branch, to Deputy Minister of the Interior

Note du directeur, Secteur des Territoires du Nord-Ouest et du Yukon, au sous-ministre de l'Intérieur

LAC/ BAC, RG 85, vol. 584, file/ dossier 571

Ottawa, 28th November, 1930.

Memorandum

W.W. Cory, Esq., C.M.G.,
Deputy Minister of the Interior.

I attach hereto a draft letter†¹⁵⁴ for our Minister's signature to Captain Bernier, as requested in your memorandum† of the 24th instant.

With regard to the material submitted by Captain Bernier for the Acting Prime Minister's information, there is no record showing that Captain Bernier was ever, at any time, formally commissioned by our Government to claim any areas in the Arctic for

¹⁵² Marginal note:/ Note marginale :

Minister of the Interior for consideration please. G.H. P[erley]

¹⁵³ Bernier's intention in writing this letter was evidently to elicit a reply concurring in his view that Canada's ownership of the Sverdrup Islands was due to him. For the response, see doc. 526.

L'intention de Bernier en rédigeant cette lettre était évidemment d'obtenir une réponse confirmant que, comme il le croyait, c'était grâce à lui que le Canada avait obtenu la propriété des îles Sverdrup. Pour la réponse, voir doc. 526.

¹⁵⁴ The letter, sent on 1 December, simply thanked Bernier for his communication./ La lettre, envoyée le 1^{er} décembre, remerciait simplement Bernier pour sa communication.

Canada. It is true that Sir Wilfrid Laurier, at a Canadian Club luncheon in Ottawa, said some flattering things about Captain Bernier which, in some of the circumstances under which they were said, cannot be taken too seriously. With regard to the letters from the different Ministers, they were, as you see, nothing but polite acknowledgments of his communications.

It is, of course, nothing short of absurd to contend that a proclamation issued by Captain Bernier on the C.G.S. "Arctic" when at James (Jensen) Sound, joining the whole archipelago, could have any possible bearing on our titles to islands which were hundreds of miles distant as were the Svendrup Islands. In fact, the considered view of the Governmental authorities best qualified to speak on such matters is that Captain Bernier's claiming of these islands for Canada threw a cloud on our titles. The greater portion of the archipelago was discovered by British explorers - which fact is the root of our title as by the Order in Council of 1880, everything that was owned and claimed by the Imperial authorities in that area was transferred to Canada.

The one serious cloud to our title remaining was with reference to the Svendrup Islands, which matter has now been happily adjusted by Norway's recognition of our sovereignty but, unquestionably, should the matter of our titles to any of these islands ever come before an independent tribunal for adjudication, the argument would be used against us that if we considered our original titles good, why would we reclaim the area at a later date, as was unfortunately done by Captain Bernier purporting to act for our Government.

O.S. Finnie

General Laurier, in 1906 and 1908 (pages 165-189) did in fact instruct him to take possession of islands discovered by British explorers. However, Finnie had never seen these orders, and when asked for them, Laurier said that he had not seen them. Bernier did not produce them. Bernier's claim for the territory was likely that he did not want Finnie to know his sweeping claims made in 1907 and 1909 were not authorized. Finnie's discovery of islands in George Desbarats' charts (copying given to him by the government) that Bernier had received, gave general authority as the commander of official expeditions, rather than specific orders to make territorial claims. Desbarats wrote:

Les ordres de Bernier de 1906 et 1908 (pages 165-189) lui donnaient un large pouvoir de prendre possession des îles découvertes par les explorateurs britanniques. Cependant, Finnie n'avait jamais vu ces ordres et lorsqu'on lui demanda de fournir de la documentation sur ses voyages précédents, Bernier ne les fournit pas. La raison de cette omission de Bernier est probablement qu'il ne voulait pas que Finnie sache que ses listes revendicatives faites en 1907 et 1909 étaient non autorisées. Finnie a peut-être donc à l'origine Desbarats dans sa réponse donnée à Finnie l'après-midi avec Bernier (voir ci-dessus) pour une sorte de permission d'être le commandant des expéditions officielles, plutôt que des ordres spécifiques de faire des revendications territoriales. Desbarats écrit :

Captain Bernier, being an official spokesman of the Government, and as such planted the Flag in several of the northern islands and attested Canada's claim to this land.

Desbarats to Finnie, 13 March 1926, LAC, BAC, RG 85, vol. 5, file: dossier 20-Bernier.

527.

Memorandum from Director, Northwest Territories and Yukon Branch, to Deputy Minister of the Interior

Note du directeur, Secteur des Territoires du Nord-Ouest et du Yukon, au sous-ministre de l'Intérieur

LAC/ BAC, RG 85, vol. 771, file/ dossier 5342

Ottawa, 28th November, 1930.

Memorandum

W.W. Cory, Esq., C.M.G.,
Deputy Minister of the Interior.

In your memorandum[†] of the 27th instant you ask that a summary be prepared for the North West Territories Council of the Secret Deliberations of the Committee on Polar Questions at the recent Imperial Conference.¹⁵⁶

The part of that report which deals with the Arctic is so brief that it is thought that it is hardly necessary to attempt a summary, but the following observations might be of additional interest to the Council—

While Canada has stood for the sector principle the application of that principle, it is thought, is not now of paramount importance insofar as the Arctic archipelago is concerned, for, with the single exception of the Sverdrup Islands, all the other land area[s] in the sector north of Canada can reasonably be claimed to be ours by right of discovery, or by the terms of the Imperial Order in Council of 1880. The recognition by Norway of our sovereignty over the Sverdrup Islands removes the one cloud to our title. Continued occupation and reasonable development are, of course, essential to the maintenance of our sovereign rights in that area.¹⁵⁷

O.S. Finnie

¹⁵⁶ At the 1930 Imperial Conference, it had been concluded that the sector theory was likely to retrieve general acceptance in the Arctic, and that this was cause for satisfaction. However, British officials believed that public statements in support of the theory should be avoided, since the wide application of this principle in the Antarctic could give rise to unwelcome claims by nations such as Chile and Argentina. See report of the Committee on Polar Questions, TNA, CAB 32/90.

Lors de la conférence impériale de 1930, on conclut que la théorie des secteurs allait probablement être généralement acceptée dans l'Arctique et qu'il y avait lieu de s'en réjouir. Cependant, les responsables britanniques jugeaient préférable de ne pas faire de déclarations publiques à l'appui de la théorie, puisque l'application étendue de ce principe à l'Antarctique aurait pu susciter des revendications inopportunes de nations telles que le Chili et l'Argentine. Voir le rapport du Committee on Polar Questions, TNA, CAB 32/90.

¹⁵⁷ Marginal note: Note marginale :
Noted. OK. W.W. C[ory]

528.

Letter from Eivind Bordewick to Under-Secretary of State for External Affairs
 Lettre d'Eivind Bordewick au sous-secrétaire d'État aux Affaires extérieures
 LAC/ BAC, RG 25, vol. 2667, file/ dossier 9057-A-40

Oslo, 19th December 1930.

Dear Doctor Skelton,

The widow of Commander Otto Sverdrup, Mrs Gretha Sverdrup, Sandvika per Oslo, has requested me to thank you for your hearty telegram* of the 27th November in connection with the death of her husband.

Commander Sverdrup died from cancer, which was neither felt by him the slightest or discovered by his doctor before about the middle of July this year, and even at that time it was believed that he could be saved.

Everybody considered him as an exceptional strong and healthy man, who in all probability would live up to the age of so many members of his family, who most of them reached the high age of over 90 years.

I am glad to tell you that – thanks to your expedite handling of this matter – I succeeded in handing him⁸⁸ the amount of money, granted by your Government, on the 5th November, 3 weeks before he died, when he still was at full consciousness. And I may add, that I had the impression that he forced himself to live so long that he himself could see the result of the negotiations with your Government. Already on the 7th November the illness prevailed terribly over him.

Mrs Sverdrup has further requested me to ask you kindly to return to me, when they have been used, the 13 private diaries, delivered by me to the British Minister here on the 25th October this year.

I take this opportunity to thank you for the always pleasant and expedite manner in which you have been handling with me, as the representative of Commander Sverdrup, this matter.

In this connection I may mention to you, that the provision raised by the Norwegian Government, as referred to me by your letter of the 22nd August this year, nearly had made all my efforts to come to a final agreement with your Government in vain. The political propaganda in connection with the election of a new Storting (Parliament) started namely [*sic*] in the beginning of August, and as a matter of fact 3 of the members of our present Government were inclined to refuse to recognize the sovereignty of His British Majesty over the Sverdrup islands, and therefore the said provision was raised, simply in order to raise an unacceptable point.¹⁵⁹

⁸⁸ The money was handed over by Alexander Nansen, not by Bordewick. I am not sure if Alexander Nansen, et non pas par Bordewick.

¹⁵⁹ Sverdrup and Bordewick had in fact known from the beginning of the negotiations that the Norwegian government wished to have such a condition included in the agreement. See doc. 438, enclosure 1, footnote.

Sverdrup et Bordewick savaient en fait depuis le début des négociations que le gouvernement norvégien souhaitait l'inclusion d'une telle condition dans l'accord. Voir doc. 438, pièce jointe 1, note en bas de page.

[...]

With my hearty wishes for a happy New Year,

Yours sincerely,

Eivind Bordewick

O.D. Skelton Esq.

Under-Secretary of State for External Affairs, Canada,
Ottawa, Ont.

529.

Memorandum from Arctic Exploration and Development Officer to Director.

Northwest Territories and Yukon Branch, Department of the Interior

Note de l'agent d'exploration et de développement de l'Arctique au directeur, Secteur
des Territoires du Nord-Ouest et du Yukon, ministère de l'Intérieur

LAC/BAC, RG 85, vol. 268, file/ dossier 1003-6

Ottawa, 26th February, 1931.

Memorandum

Mr. Finnie.

[...]

The Bache Peninsula post was established in 1926 for the purpose of maintaining our jurisdiction in the Far North and at a time when our titles to that area were not on as sound a basis as they are today. The hazard of servicing this post is very great and, in my opinion, the continuous occupation of this post for the purposes of jurisdiction is no longer necessary as effective occupation could be maintained from the post at Craig Harbour. The questions of withdrawing from Bache Peninsula and establishing caches west in the archipelago are matters, it is thought, which might properly be brought before the Northern Advisory Board.

If it is decided to withdraw from Bache Peninsula this year a message to that effect should be broadcast to the officers at that post in the very near future. I would therefore suggest that the Northern Advisory Board be convened at an early date to give consideration to these matters.¹⁶⁰

G.P. Mackenzie

¹⁶⁰ Marginal note:/ Note marginale :
Recommended. O.S. Finnie

530.

Memorandum from Director, Northwest Territories and Yukon Branch, to Acting Deputy Minister of the Interior

Note du directeur, Secteur des Territoires du Nord-Ouest et du Yukon, au sous-ministre de l'Intérieur par intérim

LAC/BAC, RG 85, vol. 268, file/ dossier 1003-6

Ottawa, 3rd March, 1931.

Memorandum

R.A. Gibson, Esq.,
Acting Deputy Minister.

In compliance with the request in your memorandum² of the 28th ultimo, on file hereunder, I beg to advise as follows:—

In establishing permanent Government posts in the Arctic archipelago, the purposes the Government had in mind naturally grouped themselves under the following heads:—

1. The economic development of the islands.
2. The improvement of the condition of the Eskimo people.
3. The maintenance and strengthening of our sovereign rights in the Arctic.

The various posts are centres from which much exploratory work is being done and many investigations made, both by officers of our own Department and other Departments of the Government. The information thus secured could not have been obtained if these posts had not been established.

The white trapper, trader and prospector is pushing further and further north into Eskimo territory and, consequently, coming in contact more intimately with the Eskimo people. This more or less invasion of Eskimo territory and the white man's contact with these primitive simple people has created a difficult problem for the Government. From these different posts law and order radiate over great areas. Game is protected, the unscrupulous trader is held in subjection, and the natives are being instructed in matters of trade and generally how to adapt themselves to the rapidly changing conditions. Government doctors have been established at Pangnirtung, Chesterfield, Coppermine and Aklavik, and mission hospitals, which receive substantial assistance from the Government, have been erected or are being erected at all of these points except Coppermine and the matter of erecting a hospital there is now receiving consideration.

There are no natives in the Canadian Arctic living north of Lancaster sound, except natives employed at the different posts, and the establishment of the posts on Devon Island and on Ellesmere Island was primarily for the purpose of maintaining our sovereignty over that area. This is especially true of the post established at Bache peninsula in 1926. Three unsuccessful attempts had previously been made to establish a post somewhere in that vicinity, as it was felt at that time that the establishment of this post was of first importance. Norway was still maintaining her claim to the Sverdrup islands. Chiefly under the leadership of Donald A. MacMillan, American expeditions were making certain explorations without first having secured the approval of our Government, and there is, I think, no doubt that the establishment of that post had a very important bearing on the American activities and on recognition of our sovereign rights by the Norwegian Government. Before the establishment of this post it had been the practice for Greenland Eskimos to cross Kane basin during the winter and take heavy toll of the musk-ox herds on the west coast of Ellesmere Island. The presence of the Police there stopped this practice. In connection with this post I may say that it was not thought desirable to permanently abandon it but, for the time being, to withdraw to Craig Harbour, keeping the post intact so

that it may be used from time to time in making patrols north and for re-occupation at a later date if thought desirable.

You suggest that the matter of withdrawing from Bache peninsula should be studied by the Department of External Affairs and in that view I concur. With your approval, therefore, I will take this up with Dr. Skelton and be guided by his advice in the matter of convening the Northern Advisory Board.¹⁶¹

O.S. Finnie

531.
Memorandum from Director, Northwest Territories and Yukon Branch, to Acting Deputy Minister of the Interior
Note du directeur, Secteur des Territoires du Nord-Ouest et du Yukon, au sous-ministre de l'Intérieur par intérim
LAC/BAC, RG 85, vol. 268, file/dossier 1003-6

Ottawa, 9th March, 1931.

Memorandum:

R.A. Gibson, Esq.,
 Acting Deputy Minister.

Accompanied by Mr. Mackenzie, I interviewed Dr. Skelton regarding the suggestion that the personnel of the Bache peninsula post be withdrawn this year to Craig Harbour. This was fully discussed and Dr. Skelton gave it as his opinion that the withdrawal, as suggested, might be made without adversely affecting our sovereign rights. Mr. Mackenzie also discussed the question with Colonel Stames who was of the same opinion.

Dr. Skelton stated he would be glad to attend a meeting of the Northern Advisory Board, but would leave the matter of calling the Board together for your decision. As the Northern Advisory Board was created to advise the Government on matters such as this, I think it would be well to submit this to the Board and would so recommend. The meeting should not take more than 15 or 20 minutes.¹⁶²

O.S. Finnie

¹⁶¹ Marginal note:/ Note marginale :
 Approved, R.A. Gibson Acting D.M.I.

¹⁶² A meeting of the Northern Advisory Board was held on 11 March. This may have been the Board's last meeting. No minutes seem to have been kept, but the minutes of a Northwest Territories Council meeting on the same date record the conclusion that the post should indeed be abandoned. Final approval for the withdrawal was given by the Northwest Territories Council on 24 June 1931. However, because of the need to search for the missing Krüger expedition, the detachment did not move to Craig Harbour until the summer of 1933. See report by H.W. Stallworthy, 24 May 1933, also in file 1003-6. The Craig Harbour detachment subsequently made patrols to Bache in some years.

Une réunion du Conseil consultatif du Nord eut lieu le 11 mars. Il pourrait s'agir de la dernière réunion du Conseil. Aucun procès-verbal ne semble avoir été établi, mais le procès-verbal d'une réunion du Conseil des Territoires du Nord-Ouest à la même date indique la conclusion que le poste devrait de toute évidence être abandonné. L'approbation finale du retrait fut donnée par le Conseil des Territoires du Nord-Ouest le 24 juin 1931. Cependant, en raison des recherches de l'expédition Krüger portée disparue, le détachement ne fut pas relocalisé à Craig Harbour avant l'été 1933. Voir le rapport par H.W. Stallworthy, 24 mai 1933, aussi au dossier 1003-6. Le détachement de Craig Harbour fit par la suite des patrouilles vers Bache au cours de certaines années.

532.

Memorandum by Secretary to Under-Secretary of State for External Affairs**Note du secrétaire du sous-secrétaire d'Etat aux Affaires extérieures****LAC/BAC, RG 25, vol. 2667, file/dossier 9057-A-40**

[Ottawa, July 1932]

Mr. Bordewick understands that Mrs. Sverdrup intends to hand over her husband's diaries to the Museum of Norwegian Seamen and Discoverers as their property.

She really has no business to do this, but it seems best to raise no objection. First, we have no legal case for objecting, and second, we have the islands and a photostat of the diaries¹⁶⁵ and can afford to let the originals go. There was a good deal of agitation in Norway against giving up the islands and the records to Canada, and now that we have what we really wanted it does not seem advisable to stir up ill feeling by demanding the last ounce.

The position is as follows:

The diaries were part of the records which Captain Sverdrup agreed to hand over to the Canadian Government as a preliminary condition for receiving his payment from them. He asked — or his wife did after his death — if they could be returned, and we agreed to return them. This was of course purely an act of grace, and a concession to the natural desire of the family to have the records, but we did not make any conditions as to the disposal of them, and so are hardly in a position to object to Mrs. Sverdrup's giving them to any one she pleases. She has apparently been acting as a stalking-horse for the Museum of N.S. and D., but the matter is really of no importance whatever anyway.¹⁶⁵

M. M'K[enzie]

533.

Letter from Minister of the Interior to Minister of Justice**Lettre du ministre de l'Intérieur au ministre de la Justice****LAC/BAC, RG 85, vol. 766, file/dossier 5099****Copy/ Copie**

Ottawa, 17th May, 1934.

My dear Colleague:

We have under consideration applications² from the under mentioned citizens of the United States who contemplate leading Expeditions to certain of our northern islands during the present year for purposes of exploration and scientific study.

¹⁶⁵ See Von Bordewick to Skelton, 14 July 1932, LAC/BAC, RG 25, vol. 1582, file/dossier 9057-A-40.

² After the Sverdrup diaries had been photostated and transcribed, they were returned. The photostats were originally kept in the Northwest Territories and Yukon Branch Library and are currently in the Library of Indigenous and Northern Affairs Canada. The original diaries are in the Fram Museum, Oslo.

Après que les journaux personnels de Sverdrup eurent été copiés par photostat et transcrits, ils furent retournés. Les photostats furent initialement conservées dans la bibliothèque du Secrétariat Territorial du Nord-Ouest et du Yukon et se trouvent actuellement dans la bibliothèque d'Affaires indiennes et du Nord Canada. Les journaux personnels sont au musée du Fram à Oslo.

¹⁶⁵ Marginal note: Note marginale:

Agreed, July 26. O.D. S[kelton]

(1) Captain Robert A. Bartlett, in command of the M.S. "Effie M. Morrissey". This Expedition plans to visit Baffin Island and Ellesmere Island.

(2) Commander Donald B. MacMillan, in command of the S.S. "Bowdoin". This Expedition plans to visit islands in Hudson Strait.

To enable you to appreciate the merits and demerits of the Commanders of these Expeditions, it is necessary to supply a brief summary of their activities in Canadian waters.

CAPTAIN ROBERT A. BARTLETT.

This officer is well known to Canadian authorities. He has been in charge of a number of Expeditions to the Canadian Arctic and should be familiar with the regulations pertaining thereto. In 1926 and again in 1927 he held permits under the Scientists and Explorers Ordinance of the Northwest Territories (copy⁺ enclosed), allowing him to carry on exploration and scientific work on the northern islands. As master of the "Effie M. Morrissey", in 1927 he conducted the Putnam Expedition through Foxe Channel to Baffin Island. The members of this Expedition were granted the customary permits allowing them to take specimens of game and birds for scientific purposes. Subsequently Mr. Putnam returned the permits with a statement that no specimens were taken.

Later in a book published by the Putnam Publishing Company it was stated that a number of birds were shot and used for food purposes by members of the Expedition, this action being contrary to the Migratory Birds Convention Act and Regulations. The attention of Mr. Putnam was drawn to this statement and after considerable negotiation, he came to Ottawa and rendered an apology to the Canadian Government on behalf of the members of his Expedition.

In June, 1933, United States press reports¹⁶⁶ indicated that Captain R.A. Bartlett was sailing for an unknown destination, presumably the Arctic regions[,] in charge of an Expedition sponsored by one A.D. Norcross. Neither Captain Bartlett nor members of his Expedition made application to the Canadian Government for customs entry or for permits under the Scientists and Explorers Ordinance of the Northwest Territories.

On the 16th July, 1933, the officer in charge of the Canadian Eastern Arctic Patrol reported having passed the "Morrissey" off Port Burwell, near the entrance to Hudson Strait, but she did not answer wireless signals. Subsequently it was learned that the "Morrissey", with Captain Bartlett as Master, had touched at Southampton Island and proceeded into Foxe Basin where native settlements were visited and archaeological and wild life specimens were secured. On the return voyage to New York, Captain Bartlett's Expedition called at Brigus, Newfoundland, where he formerly resided, but he is now a citizen of the United States and his ship is not of British registry. The Eastern Arctic Patrol reached Newfoundland [at] approximately the same time and endeavoured to communicate with Captain Bartlett but the registered letter addressed to him was not delivered until he reached New York. Upon receipt of this letter he offered to come to Ottawa to make a full explanation of his actions in entering Canadian territory without authority. He appeared before the Northwest Territories Council on the 23rd January, 1934, and I attach copy of the proceedings⁺ for reference purposes. His explanation and promise to comply with Canadian laws in future was accepted by the Departments of Marine, Customs, and this

¹⁶⁶ Voir/ See "Cap'n Bob Sails; Hides Arctic Goal," *New York Times*, 19 June 1933, p. 17.

Department, following which the necessary permits were issued covering this 1933 Expedition.¹⁶⁷

Captain Bartlett has now applied for permits for 1934 and one of the members of his Expedition desires permission to secure a musk ox for scientific purposes. These animals are fully protected under the Northwest Game Act and for a number of years it has been the policy of the Department to refuse all such requests. Attached is a copy of the Minutes of the Northwest Territories Council dealing with this application.

Captain Bartlett is not a British subject, his vessel is not of British registry, and his operations in Canadian territory in previous years have been open to criticism and non-observance from the attached Minutes, the Northwest Territories Council has suggested that permits for his Expedition of 1934 be granted only upon the distinct understanding that a representative of the Royal Canadian Mounted Police will accompany the Expedition.

COMMANDER DONALD B. MACMILLAN.

Our experience with Commander MacMillan, who has accompanied a number of Expeditions to the Canadian Arctic, while not identical with the above, is similar in many respects. On the 12th May, 1920, he appeared before the Royal Commission appointed to enquire into the reindeer and musk-ox industry in Canada and was made familiar with the regulations then existing. In evidence given by him on that date he stated that as a matter of etiquette, all Expeditions should consult and secure the approval from the Canadian Government before visiting our northern islands, yet without reference to the Department in 1925 he attempted to establish bases ostensibly for the purpose of exploring certain islands to the west of Ellesmere Island, the Sverdrup Islands in particular. Commander Byrd, who accompanied this Expedition, carried out a number of flights and actually landed supplies on the west coast of Ellesmere Island but due to ice and climatic conditions the Expedition was unable to accomplish its purpose. On this trip the MacMillan party secured a number of specimens of wild life which they were not authorized to take.

During the years 1927-28 Commander MacMillan was engaged in exploratory work on Baffin Island under authority of permits issued by this Department. The members of his Expedition to Baffin Island in 1929 however, failed to obtain the required permits and as a consequence his ship the "Bowdoin" was held at Sydney, Nova Scotia, at the request of this Department, pending the issue of the required permits.¹⁶⁸

Having regard to the remoteness of these Islands, our difficulty in supervising the operations of the personnel of these Expeditions, and our experiences, as recited herein, the Northwest Territories Council, at its meeting held on the 4th instant, expressed the opinion that an officer of the Royal Canadian Mounted Police or some other representative of the Canadian Government should accompany all such Expeditions that are not under British auspices. In some cases it is possible this representative will be a scientist of good judgment, otherwise a Royal Canadian Mounted Policeman should act. Will you please advise whether representatives of the Royal Canadian Mounted Police can be made available for the purposes mentioned.

I might add that we have discussed this informally with the Department of External Affairs, whose representative attended the meeting of the Northwest Territories Council in January last when Captain Bartlett appeared before it. In conducting our correspondence with Captain Bartlett and Commander MacMillan, we will say that the required permits

¹⁶⁷ See, Voir LAC BAC, RG 85, vol. 766, file dossier 5099.

¹⁶⁸ See, Voir docs 453-455.

will be granted on the distinct understanding that a representative of the Canadian Government will accompany each Expedition.

Yours very truly,

[T.G. Murphy]

The Honourable Hugh Guthrie, K.C.,
Minister of Justice,
Ottawa.

534.

Letter from Minister of Justice to Minister of the Interior

Lettre du ministre de la Justice au ministre de l'Intérieur

LAC/ BAC, RG 85, vol. 766, file/ dossier 5099

Copy/ Copie

[Ottawa,] May 30th, 1934.

My dear Colleague,

In further reply to your letter of 17th Instant in regard to the proposed trips to the Arctic Region by Captain Bartlett and Commander Donald MacMillan as set out in your letter. I beg to say that I have submitted this proposal to the Commissioner of the Royal Canadian Mounted Police.

I have today received a report¹⁶⁰ from the Commissioner in which he states that in his opinion such expeditions should be encouraged, but that they should be accompanied by a representative of the Canadian Government, either a Scientist who might be sworn in as a special Constable of the Royal Canadian Mounted Police or a member of the Royal Canadian Mounted Police with northern experience.

The Commissioner therefore recommends that such a condition be made to the granting of permits to the above mentioned Naval Officers.

I assume that your Department will continue negotiations with the above gentlemen.

Yours faithfully,

[Hugh Guthrie]

The Honourable T.G. Murphy P.C., M.P.,
Minister of the Interior,
Ottawa.

¹⁶⁰ Copy in Copie dans LAC/ BAC, RG 18, acc. 1985-86 048, box/boîte 32, file/ dossier G-804-3

Government representatives accompanied not only the 1934 Bartlett and MacMillan expeditions but most subsequent foreign expeditions./ Des représentants du gouvernement accompagnaient non seulement les expéditions de Bartlett et de MacMillan de 1934, mais la plupart des expéditions étrangères suivantes.

535.

Instructions from Officer Commanding "G" Division, Royal Canadian Mounted Police, to Canadian Government Representative on Donald MacMillan Arctic Expedition

Directives de l'officier commandant la Division « G », Royale gendarmerie à cheval du Canada, au représentant du gouvernement du Canada au cours de l'expédition dans l'Arctique de Donald MacMillan

LAC BAC, RG 18, acc. 85-86 048, box/boîte 32, file/dossier G-804-6

Copy/Copie

Ottawa, July 4th, 1934.

Sergeant F. Anderton,
R.C.M. Police,
Ottawa, Ontario.

RE: EXPEDITION OF COMMANDER D. MACMILLAN - 1934. M.S. "BOWDOIN"

1. As you have already been advised, you have been selected to accompany the above named Expedition. If you do not make contact with this Expedition at Port Burwell and Corporal Moore of Lake Harbour detachment joins same at that point, you will return to "Depot" Division, Regina, entraining at Churchill, Manitoba.

2. For your information and guidance attached hereto will be found copies of the undermentioned correspondence dealing with this Expedition:-

Letter, Commissioner, RCM. Police, dated Ottawa, June 14, 1934, together with attachments referred to therein.

Minute, Commissioner, RCM. Police, dated Ottawa, June 15th, 1934, together with copies of correspondence referred to therein.

Minute, Commissioner, RCM. Police, dated Ottawa, June 18th, 1934, together with a copy of the letter referred to therein.

3. You are to carefully peruse the correspondence above listed as you are detailed to accompany this Expedition to act as the official representative and observer of the Canadian Government. You will accordingly take note of the limits of the various permits held by the members of this Expedition, and on no account are you to authorise any deviation in [or] change of itinerary of the vessel of the Expedition unless ice conditions make it imperative.

4. Apart from seeing that this Expedition lives up to the permits which have been granted, you are to report upon any subject from a Police point of view which may come to your notice, also any items which may be of interest to the Department. In order to comply with these instructions it will be essential that you keep a diary.

5. While on this duty you are expected to use tact and judgment and to uphold the traditions of the Force.

6. At all points in the North West Territories where you connect with Natives or other residents of that Territory you are to wear uniform so that the Natives and other residents concerned may understand that Expeditions such as this are under the supervision of the Canadian Government through the medium of this Force. It is difficult to lay down a hard and fast rule in this connection and you are expected to use your own initiative, bearing in mind that your actual position is that of a representative of the Dominion Government.

7. On the return of this Expedition outside you will report to this office for further instructions.

8. Should the vessel of this Expedition report at any point where a R.C.M. Police Detachment is established you are to report to such detachment.

9. Attached hereto for your information and guidance will be found copies of the undermentioned:—

Migratory Birds Convention Act.

Handbook of the N.W. Territories Game Regulations complete up to date.¹⁷¹

Copy of the N.W. Territories Game Act and N.W.T. Regulations.

Ordinances of the N.W. Territories from 1905 to 1930.

10. Your attention is directed to the provisions of the Scientists and Explorers Ordinance as included in the Ordinances last quoted.

11. You will particularly note that no member of this party will be allowed to take, hunt, or kill Muskoxen, Buffalo or Reindeer.

[T.V. Sandys Wunsch] Insp. for
T.H. Irvine Supt.,
Commanding "G" Division.

536.

Telegram from Secretary of State for Dominion Affairs to Secretary of State for External Affairs

Télégramme du secrétaire d'État aux Affaires des Dominions au secrétaire d'État aux Affaires extérieures

LAC/BAC, RG 25, vol. 1730, file/dossier 1935-72-G

London, 17th July, 1935.

No. 52.

Note† has been received from Soviet Ambassador seeking permission for flight over Canadian territory of Soviet single engine Tsagi monoplane, owned by Chief of Administration of Northern Sea Routes, identification marks U.S.S.R. O.25, in which it is proposed to undertake non-stop flight from Moscow to San Francisco via North Pole at end of July or beginning of August, subject to favourable weather conditions. Crew consists of pilot Sigismund Levanevsky, second pilot George Duitoff, navigator Victor Levenchenko. Approximate route will be via Fort Simpson, Vancouver, Pacific Coast.

Ambassador also asks that His Majesty's Government in Canada should afford "assistance in matter of meteorological reports and other necessary ways" and states that if permission is granted he will communicate with competent authorities regarding all technical questions relating to assistance during flight.

Should be glad to learn what reply His Majesty's Government in Canada would wish returned to Soviet Ambassador and if permission for flight is granted with whom he should communicate as suggested.

[J.H. Thomas]

¹⁷¹ *Northwest Territories Game Regulations: Handbook for the Information of the Public* (Ottawa: J.O. Patenaude, 1933).

537.

Letter from Assistant Deputy Minister of the Interior to Under-Secretary of State for External Affairs

Lettre du sous-ministre adjoint de l'Intérieur au sous-secrétaire d'État aux Affaires extérieures

LAC/BAC, RG 25, vol. 1730, file/ dossier 1935-72-G

Ottawa, July 22, 1935.

Dear Dr. Skelton,

RE: PROPOSED FLIGHT OF SOVIET MONOPLANE OVER CANADIAN TERRITORY
EN ROUTE FROM MOSCOW TO SAN FRANCISCO.

Adverting to our telephone discussion, I might say that last night at 11 o'clock the Canadian Radio Broadcasting Commission included in the news broadcast an item about this flight and mentioned certain other activities which the Russians contemplate in polar regions one of which, as I recall, was the establishment of a meteorological station at the North Pole. You told me of the exchange of wires² about this particular flight and sent over a copy of the material for our files.

I gather from a subsequent discussion which I had with Mr. Pearson that this is to be a non-stop flight and that no exploration is contemplated. Such being the case, the Scientists and Explorers Ordinance of the Northwest Territories would hardly apply. However, the other Russian activities mentioned in the news despatch seem to be of an exploratory nature.

I have since obtained a copy of a news item which appeared in the Montreal Daily Star of the 20th instant. This is worded in a slightly different way from the news broadcast of the Canadian Radio Broadcasting Commission.

If there is any chance that Russia is likely to undertake in polar regions exploration by aeroplane, or otherwise, that may lead into the Canadian Arctic sector, then I would suggest the desirability of notifying the Russian authorities, through appropriate channels, of the terms of the Scientists and Explorers Ordinance of the Northwest Territories. As you are aware, there are copies of this Ordinance on file in the Office of the Canadian Minister in Washington, also in the High Commissioner's Office in London.

Yours very truly,

R.A. Gibson
Asst. Deputy Minister.

O.D. Skelton, Esq., M.A., Ph.D., LL.D.,
Under-Secretary of State for External Affairs,
Ottawa.

² *English Reflects Activities in Arctic*. — *Moscow Correspondent*. — *New York Times*. — *Montreal Daily Star*, 20 July 1935, pp. 1-2.

538.

Letter from Under-Secretary of State for External Affairs to Minister in United States

Lettre du sous-secrétaire d'État aux Affaires extérieures au ministre aux États-Unis
LAC/BAC, RG 25, vol. 1730, file/ dossier 1935-72-G

Copy/ Copie

Ottawa, July 23, 1935.

Dear Mr. Herridge,

I am enclosing, herewith, copy of a despatch from Moscow¹⁷³ printed in the Montreal Gazette, July 22nd, which refers to the forthcoming flight of a Soviet monoplane from Moscow to San Francisco. The Department of the Interior have called our attention to the fact that, though permission has been granted by the Canadian Government for this flight over Canadian territory, yet such permission does not cover the right to explore the North West Territories. Permission for exploration, as you know, must be secured under the North West Territories Ordinances.

We have assumed from the beginning, for obvious reasons, that the flight in question is merely one over Canadian territory and not one of exploration; indeed, under the circumstances any other assumption would appear to be unreasonable. The despatch in question does not state that the voyage is one of exploration, but does state that an object of the voyage is "to open the way to thorough exploration", and that "the pilot and his companions will take numerous observations over this district".

Under the circumstances, therefore, it might be desirable, if you think it appropriate, to bring informally to the attention of the Soviet Embassy in Washington the fact that exploration of the Canadian Arctic by foreign expeditions is subject to the rules and regulations laid down, copies of which are in the possession of the Legation. Our position in this matter has been made clear on more than one occasion to the United States authorities, and it might possibly be well to make it clear also to the Soviet Embassy, in view of the fact that the Embassy is acting as a channel of communication between the Canadian and Soviet Governments in respect to this flight.

Yours sincerely,

[O.D. Skelton]

The Hon. W.D. Herridge, K.C., D.S.O., M.C.,
Canadian Minister to the United States,
Washington, D.C.

¹⁷³ "Ready to Begin Long Polar Hop," *Montreal Gazette*, 22 July 1935, p. 1.

539.

Letter from Counsellor, Legation in United States, to Counsellor, Embassy of Union of Soviet Socialist Republics in United States

Lettre du conseiller, légation aux États-Unis, au conseiller, ambassade de l'Union des républiques socialistes soviétiques aux États-Unis

LAC/ BAC, RG 25, vol. 1730, file/ dossier 1935-72-G

Copy/ Copie

[Washington, DC,] July 25th, 1935.

Dear Mr. Skvirsky:

There is one further point in connection with the projected flight from Moscow to San Francisco, which I should perhaps have brought to your attention before. While permission for the flight across Canadian territory has been granted by the Government of Canada, this permission does not cover the right to explore the Northwest Territories of Canada. Special permission to conduct explorations must be secured in accordance with the ordinances governing the Northwest Territories.

Though the flight in question does not seem to be a flight of exploration, it has been stated in some of the press despatches from Moscow that one of its objects is to open up the way to thorough exploration in the far North. In bringing this matter informally to your attention, I should be grateful if in due course you would call to the notice of your Government the fact that exploration of the Canadian Arctic by foreign expeditions is subject to special rules and regulations, and that permission must be secured before any such expeditions can be undertaken.

Yours sincerely,

[H.H. Wrong]

Boris E. Skvirsky, Esq.,

Counsellor of Embassy, Union of Soviet Socialist Republics,

Washington, D.C.

540.

Letter from Counsellor, Embassy of Union of Soviet Socialist Republics in United States, to Counsellor, Legation in United States

Lettre du conseiller, ambassade de l'Union des républiques socialistes soviétiques aux États-Unis, au conseiller, légation aux États-Unis

LAC/ BAC, RG 25, vol. 1730, file/ dossier 1935-72-G

Copy/ Copie

Washington, D.C., July 27th, 1935.

Mr. Hume Wrong, Counselor

Canadian Legation

Washington.

My dear Mr. Wrong:

Referring to your letter of July 25th in which you state that in some foreign press dispatches from Moscow it was reported that one of the objects of the flight from Moscow to San Francisco over the North Pole is the exploration of the Far North, and to your inquiry whether it is the intention of the flyers to explore the Northwest Territories of Canada or Canadian Arctic territory in general, and to your statement that the permission

granted for the flight across Canadian territory does not cover the right to explore the Northwest Territories of Canada, since special permission to conduct explorations must be secured in accordance with the ordinances governing the Northwest Territories. I wish to inform you that I communicated the contents of your letter to the Director of the Northern Sea Route Administration, O. Schmidt, [who] is organizing the flight.

I am informed by Mr. Schmidt that the flyers have no such intentions, that the newspaper reports were without foundation and that the Soviet press carried no such information.¹⁷⁴

Sincerely yours,

[B.E. Skvirsky]
Counselor

541.
Memorandum by Solicitor, Department of the Interior, for Northwest Territories Council
Mémoire de T.L. Cory, avocat, ministère de l'Intérieur, pour le Conseil des Territoires du Nord-Ouest
LAC/BAC, RG 22, vol. 86, file/ dossier 539
Copy/ Copie

BRITISH SOVEREIGNTY IN THE ARCTIC
COMPILED FOR
NORTHWEST TERRITORIES COUNCIL

[Ottawa,] June 3, 1936

Owing to the activity with regard to sovereignty in the Polar regions, on the part of several sovereign powers, and because of the appearance of articles in the press of recent date¹⁷⁵ inquiring as to what action the Government of Canada is taking to safeguard her rights in the Arctic islands, it is considered expedient that an examination of Canada's position should be made and submitted to the North West Territories Council for consideration.

¹⁷⁴ The flight was postponed until 1936. When the Soviets planned two additional flights in 1937, Canadian permission was again requested. On this occasion it was specifically stated that the first flight would likely pass over Prince Patrick and Banks Islands. When the second flight went missing, the Canadian government assisted with the search effort.

Le vol fut reporté jusqu'en 1936. Lorsque les Soviétiques planifièrent deux vols supplémentaires en 1937, l'autorisation du Canada fut de nouveau demandée. À cette occasion, il fut expressément indiqué que le premier vol passerait probablement au-dessus des îles Prince Patrick et Banks. Lorsque le deuxième vol fut porté manquant, le gouvernement canadien aida aux efforts de recherche.

See/ Voir LAC/ BAC, RG 25, vol. 1818, file/ dossier 1937-72-G.

¹⁷⁵ Several months earlier, T.L. Cory had sent a clipping to the Department of External Affairs; this seems to have been the main press item referred to. Plusieurs mois plus tôt, T.L. Cory avait envoyé une coupure de presse au ministère des Affaires extérieures; ceci semble avoir été le principal article de presse mentionné.

See/ Voir Cory to Beaudry, 9 September 1935, LAC/ BAC, RG 25, vol. 6297, file/ dossier 9057-40, and/ et "Occupying the Far North," *Winnipeg Free Press*, 31 July 1935, p. 9.

[...] ¹⁷⁶

Referring to the above quoted authorities on international law and those eminent international authorities applying the principles of international law to the Northern Arctic islands it is readily seen that while British sovereignty in the Arctic islands as claimed through Canada is the best claim advanced today to those islands it is not by any means perfect. Each of the above mentioned international authorities recognizes that Canada has the best claim as far as her activities extend but then throws a doubt over her claim to those islands where her administrative actions are not actively present. ¹⁷⁷

The map of Northern Canada shows that the posts administering the Canadian laws and regulations in the Eastern Arctic are located along the Eastern fringe of Canada's numerous islands lying to the west. As has been stated these islands are seldom visited if at all by Government officials. Canada appears to have been content to rest on the supposition that these islands are inaccessible to any but Canadian authorities and that supposing it were possible for nationals of other countries to reach these isolated islands they would be compelled to pass through the posts already established.

One authority while commending the Government of Canada in her handling of the northern situation, directly refers to the establishing of posts on Ellesmere Island and Devon Island. It is now common knowledge that the Government police post established on Devon Island is abandoned and there is a rumour that the Government is considering withdrawing its post from Ellesmere Island. The authority also mentions that the Canadian Government at that time intended to establish posts on other islands further west along the Western passage viz Melville Island and Bathurst Island. This has not been done. In fact within recent years the policy appears to have been rather to lessen the sphere of occupation than to extend it and thus at a time when other nations are displaying a certain amount of activity in the Arctic regions. There is no doubt but that other nations would like to gain a foothold in the Arctic or to extend the interest they already have.

Canada has since 1922 sent an annual patrol ship into the Eastern Arctic. This patrol has carried out certain scientific investigations pertaining to the Arctic and visited many

The bulk of this extremely long memo is taken up by a summary of early Arctic expeditions and a brief account of the 1880, 1895 and 1897 Orders-in-Council; lengthy extracts from published works by Gustav Smedal, David Hunter Miller, and Leonid Breitfuss; and a summary of diplomatic correspondence regarding the Antarctic, derived from Foreign Office Confidential Print 14631 (1934). All of this material has been omitted here, but has been printed in another documents collection. The full concluding portion, given here, is not found in that volume because the editors used a partly redacted copy. The RG 22 copy is entirely declassified.

La majeure partie de cet extrêmement long mémoire est consacrée à un résumé des premières expéditions arctiques et à un bref compte rendu des décrets de 1880, 1895 et 1897. Il comprend de longs extraits de travaux publiés par Gustav Smedal, David Hunter Miller et Leonid Breitfuss et un résumé de la correspondance diplomatique concernant l'Antarctique, dérivé du document confidentiel imprimé 14631 (1934) du Foreign Office. Tout ce matériel a été omis ici, mais a été imprimé dans une autre collection de documents. L'entière conclusion du mémoire, donnée ici, ne se trouve pas dans ce volume parce que les éditeurs ont utilisé une copie partiellement révisée. La copie tirée du RG 22 est complètement déclassifiée.

See Voir Peter Kikkert and P. Whitney Lackenbauer, eds, *Legal Appraisals of Canada's Arctic Sovereignty: Key Documents, 1905-56* (Calgary and Waterloo: Centre for Military and Strategic Studies, Centre on Foreign Policy and Federalism, 2014), doc. 21.

¹⁷⁶ This paragraph and the following analysis take no account of the 1933 decision of the Permanent Court of International Justice in the Eastern Greenland case. See Introduction. Ce paragraphe et l'analyse suivante ne tiennent pas compte de l'arrêt de la Cour permanente de Justice internationale dans l'affaire du Statut juridique du Groenland oriental (1933). Voir l'introduction.

¹⁷⁸ See Voir doc. 422.

out-of-the-way islands. But this fact, while useful in itself as a gesture of maintaining sovereignty, is no more than a gesture and it is doubtful whether it would be supported very strongly by a court of international law. The trip is only a temporary act and though repeated each year the patrol covers in the main the same regions viz. the eastern edge of Canada's vast Arctic island region.

Conceding that Canada has established her sovereignty over certain islands and regions on the eastern fringe, the question is at once asked, what about the numerous islands lying to the west in the Arctic ocean and over which Canada claims sovereignty? Many of these islands have rarely been seen let alone landed upon by officers and officials of the Canadian Government. A court of international law might readily, and within its right, declare these islands to be No-Man's-Land.

No criticism is or has been made of Canada's action in endeavouring to establish British sovereignty over the islands lying within the Arctic sector claimed by Canada. An international court of law would give Canada full credit for all that has been done and consideration would be given, in all probability, to the islands lying adjacent to the mainland. The doubt arises and becomes stronger the farther north one goes. There are stretches of water and ice separating many of the islands that far exceed the distances set down by international law as territorial waters. What is then the position?

The theory of contiguity might be invoked but this theory while having some merit is not legally recognized in international law beyond a certain point. Occupation in the last analysis is the requirement insisted upon by the authorities. Needless to say occupation as [it] is understood in the thickly populated parts of the World could not apply to the numerous outlying islands in the Arctic sector. This being impossible what next would be looked upon by the authorities as sufficient occupation? What can Canada do further than she has done that will extend her active jurisdiction in these isolated Arctic islands lying to the north of her mainland?

In my opinion it should be possible for Canada to further spread out her posts and tie them into some central, more or less permanent, centre. I am submitting a map¹⁷⁹ of the Arctic island region on which is shown the Canadian Arctic sector claimed by Canada [...]. On this map I have selected what appears to me a central point viz. Dundas Harbor on Devon island. This post is accessible, so far as is known, every year during the summer months by boat. Superimposed on the map are one-hundred-mile circles with Dundas Harbor as the central point. These circles clearly show the distances up to one thousand miles from Dundas Harbor.

It is suggested for the consideration of the North West Territories Council that Dundas Harbor might be a central point from which government administrative parties could operate.

It is realized that the cost of the proposed project will have to be investigated and that this will to a very great extent be the governing factor. Against this cost will have to be set the amount of money now expended each year in the northern patrol. This patrol while helpful is not extending Canada's sovereignty in the Arctic nor is it a substantial factor in maintaining the claim already established other than relieving officials in the district and carrying in supplies.

At Dundas Harbor a central base could be established consisting of permanent buildings, (viz. housing accommodation for police and government officials, warehouses sufficient to store supplies for at least a two-year period, etc., hospital accommodation, office accommodation for scientific personnel) and a radio station of sufficient strength to

¹⁷⁹ Also in file/ Aussi au dossier 539.

reach another radio station to keep up communication with the outside world, say, a thousand mile range.

The personnel of such a base might consist of an administrative officer in charge and a number of scientists, geologists, surveyors, etc., who could be detailed to certain out-of-the-way districts. These parties would be equipped with a portable radio set to enable them to keep in daily touch with the base, Dundas Harbor. In order to place these parties in the field the station would be equipped with at least two aeroplanes.

There is a great difference of opinion among the Arctic authorities as to the efficiency of aeroplanes in the Arctic regions. The ice conditions of the far northern areas are tough and lumpy and while looking smooth and level from the air are disastrous to the undercarriage of a plane fitted with skis, pontoons or wheels. In landing, such a plane requires quite a long level landing area and the uneven, rough conditions would endanger the lives of the occupants and also the possibility of the plane ever being able to again rise from the landing place.

Amundsen and Ellsworth who were forced down on the Arctic ice, in their endeavour to fly from Spitzbergen to the North Pole in 1925, express the opinion that it is too dangerous for aeroplanes to operate in the far north owing to the uncertainty of being able to land and take off. They considered themselves very lucky that they were able to accomplish the act with one of their planes after a long period of arduous labour.

It might be well to consider here the opinions expressed by a few of the outstanding Arctic explorers, as to the possibility or practicability of aeroplanes landing on the ice, etc., in the Northern Arctic regions.

Admiral Richard E. Byrd, U.S.N., in an article published in *World's Work Magazine*, May 1926, at page 83, after a period of flying from Utah, Greenland, over Ellesmere island and surrounding district, states:-

"I have written about conditions as they were around Utah during a month which, we admit, is one of the most stormy and foggy months of the year - and we had learned much about Arctic flying. We had seen from the planes 30,000 square miles of that region.

Scarcity of landing places over both land and water forms one of the chief dangers to the flyer. A forced landing means a crash and the possibility that the crew will not be able to walk away from the wreck."

V. Stefánsson, Arctic explorer, in an article entitled "The Airplane and the Arctic," published in *Harpers Monthly Magazine*, October 1927, at page 601 et seq., makes the following comments [...]¹⁸⁰

From the above opinions the weight of evidence appears to be that, while there is a certain amount of risk, landing spots are not infrequent and are as safe and as sure as in other outlying parts of the world. I should recommend, in view of the doubt that does exist[,] that the suggested planes attached to the central base be augmented by a first-class high speed autogiro. This machine from its performance requires very little space in which to take off and can land by coming almost straight down with only a level spot on which to land. When a proposed expedition is intended the autogiro could be used as a reconnaissance plane to select a spot sufficiently safe for a regular load-carrying plane to

¹⁸⁰ The very lengthy extract from Stefánsson's article purported to refute the opinions of Amundsen and Ellsworth, citing the more recent experiences of Hubert Wilkins during the Detroit Arctic Expedition.

Le très long extrait de l'article de Stefánsson avait pour but de réfuter les opinions d'Amundsen et Ellsworth, citant les expériences plus récentes d'Hubert Wilkins pendant la Detroit Arctic Expedition.

land. The autogiro crew could then notify the central base by radio, giving location, and also marking the spot sufficiently to safeguard the regular plane against disaster.

If such a suggestion were considered parties could be placed in several different outlying districts doing valuable scientific research as well as surveying, and keep in constant touch with the main central base. The planes would in most cases be within a few flying hours of all parties and could meet their wants and supplies readily upon request. In this way parties could remain in outlying districts many months at a time without fear of being lost or perishing from lack of food and supplies. Assistance could also be readily rendered in case of accident or illness.

Following the above idea a step further, substations could be established on outlying islands and in time the planes and autogiro might be able to work from this new point and carry on valuable exploration work into the present unknown ideas.

Should some such plan meet with approval, Baillie island might be taken tentatively as the base in the Western Arctic. This base is accessible yearly and the same methods as described for Dundas Harbor could be used in working from this point. With Baillie island as a central western point, I have superimposed on the map in red, dotted lines radiating one hundred miles into the Arctic regions north of the mainland.

Such an arrangement, with the several parties empowered to administer the laws of Canada, would carry active jurisdiction into many of our outlying Western islands where before no active administration existed. Furthermore these parties would extend actually Canada's occupation of such outlying points. These parties though not in the real sense being in permanent occupation would greatly enhance British sovereignty and the central post at Dundas Harbor with its permanent buildings and radio station would be actual permanent occupation. This would put beyond question British sovereignty in the Arctic in the Canadian sector and would extinguish all of the doubts in the minds of foreign governments.

A word might be said in closing with reference to the possibility of obtaining the services of suitable Canadian pilots for flying in Arctic Regions. In this regard I am informed that Canadian pilots are as efficient and probably better qualified than any in the world. This appears to be amply borne out by the fact that Lincoln Ellsworth recently selected a Canadian pilot to fly his machine in the Antarctic. One or more Canadian air pilots have been selected almost invariably, in late years, to accompany expeditions into the Arctic and Antarctic regions. Admiral Byrd's chief pilot, Bert Balken, was a Canadian.¹⁸¹

Since the above research I have discussed the feasibility of flying in the Arctic with Mr. A.M. Narraway, Chief Aerial Survey Engineer, of the Topographical and Air Survey Bureau, Department of the Interior. On going over the suggestions made on the attached maps, Mr. Narraway suggested that especially in the Western Arctic the centre from which to work into the Arctic might be more suitable should a point on Coronation Gulf be selected instead of that at Bailey Island. Mr. Narraway further informed me that there would be no difficulty whatsoever in carrying out the suggestions made as regards the taking off and landing areas, as the flying conditions in the Western Arctic were excellent except for a very short period during freeze-up and break-up. Mr. Narraway supported his statements by showing a number of aerial pictures taken on Victoria Island and Banks Island and other places to the north of the North American Continent.

I am informed that the topography of the Arctic islands lying to the north of the Dominion of Canada on the east consists of a rather rugged and high range of mountains

¹⁸¹ Bernt Balchen was not a Canadian./ Bernt Balchen n'était pas Canadien.

extending up through Labrador, Baffin Island and Ellesmere Island, making landing places for fliers somewhat scarce. All the islands to the west of this range taper down and become somewhat less rugged and level and are dotted with numerous inland lakes that are in summer free from floating Arctic ice or when frozen, free from pressure ice, which makes landing by an airplane easy and safe.

While Mr. Narraway made one or two suggestions that would necessitate changing the location of the western flying base, I felt that the suggestions pictured on the attached maps were only suggestions to illustrate a possible method of approach that would extend British Sovereignty in the Arctic islands, and that these stations could be varied or eliminated by the officers studying the proposition, upon receipt of the best advice of experts having accurate knowledge of existing conditions. I would recommend that should members of the Northwest Territories Council consider the suggestions set out in the foregoing memorandum, Mr. Narraway and any others whose expert opinion is desired be called to express their views.

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[T.L. Cory]

542.

Letter from F.R. Scott to Department of External Affairs
Lettre de F.R. Scott au ministère des Affaires extérieures
LAC/BAC, RG 25, vol. 1818, file/ dossier 1937-72-G

Montreal, August 16th, 1937.

Department of External Affairs,
 Ottawa, Ontario.

Dear Sirs,

I am preparing a paper for the Canadian Institute of International Affairs to be presented at the next British Commonwealth Relations Conference, and I would be obliged if you could furnish me with some information regarding the recent flights of the Soviet fliers across the North Pole. I should like to know

1) the nature of the request of the U.S.S.R. for permission to fly across Canadian territory. Is it a separate request for each flight or is there some more permanent arrangement?

Although Roy Gibson brought up the subject of this report several times at meetings of the Northwest Territories Council, nothing was done with regard to Cory's plan, apparently because Skelton (who was appointed to the Council in 1938 to assist with sovereignty matters) never provided the opinion that Gibson asked for. See minutes of the NWT Council meetings held on 8 April 1938, 2 November 1939, and 17 April 1940, LAC, MG 9 G-1.

Même si Roy Gibson souleva la question de ce rapport à plusieurs reprises lors de réunions du Conseil des Territoires du Nord-Ouest, rien ne fut fait concernant le plan de Cory, vraisemblablement parce que Skelton (qui fut nommé au Conseil en 1938 pour aider à résoudre les questions touchant la souveraineté de certains territoires) ne fournit jamais l'opinion que Gibson demandait. Voir les procès-verbaux des réunions du Conseil des T. N.-O. tenues le 8 avril 1938, le 2 novembre 1939 et le 17 avril 1940, BAC, MG 9 G-1.

A later memo by Cory, written as a background paper for the Canadian representative on the polar committee at the 1937 Imperial Conference (Norman Robertson) is printed in *Un mémoire ultérieur de Cory, rédigé pour servir de document de référence à l'intention du représentant canadien au comité polaire de la conférence impériale de 1937 (Norman Robertson)*, est imprimé dans *DCER - DRREC*, vol. 6, doc. 121. See also *Voir aussi LAC/BAC, RG 25, vol. 1789, file/ dossier 1936-318-Q.*

2) whether the permanent expedition which the Soviet authorities have established at the North Pole¹⁸⁴ was preceded by any request for permission to use that part of the Pole which is theoretically Canadian territory.

3) the constitutional form which is used in according permission to fliers, either Russian or from the United States, when they wish to traverse Canadian territory.

From time to time there may be other points upon which I should like the assistance of some one in your Department, and I hope I can count on your cooperation. It will be understood that the information received is intended for the purpose of the forthcoming conference.

Yours very truly,

F.R. Scott

543.

Letter from Under-Secretary of State for External Affairs to F.R. Scott

Lettre du sous-secrétaire d'État aux Affaires extérieures à F.R. Scott

LAC/ BAC, RG 25, vol. 1818, file/ dossier 1937-72-G

Copy/ Copie

Ottawa, September 10, 1937.

Dear Mr. Scott,—

With reference to your letter of August 16th, making certain inquiries relating to the recent flights of the Soviet fliers across the Polar region, I may say that the requests addressed to the Canadian Government for permission to traverse Canadian territory must be made by the Soviet Government with respect to each such flight. In view of the fact that there is no direct diplomatic representation between Canada and the U.S.S.R., these requests have been made through the medium of the Soviet Ambassador to the United States and the Canadian Minister in Washington.

The Canadian authorities have no knowledge of any permanent base being established, or any exploratory work carried on by the Soviet fliers in territory comprised within the Canadian Arctic sector. In fact, at the time of granting permission for these flights the Soviet Embassy in Washington was specifically informed that such permission did not include the privilege of conducting any exploratory operations within the Canadian Northwest territories.

The admission of civil aircraft into Canada from the United States is regulated by the terms of an exchange of Notes dated August 29th and October 22nd, 1929, which appear in the Canada Treaty Series 1929, No. 13.

An exchange of Notes,¹⁸⁵ dated June 7th and 10th, 1937, extended, for one year beginning July 1st, 1937, the arrangement in effect during the past few years, between

¹⁸⁴ The Soviets established a station on the ice at the North Pole in May 1937 and at the same time made a claim to it on the basis of occupation. On the attitude of the Department of External Affairs towards this claim, see the next document.

Les Soviétiques établirent une station sur la glace du pôle Nord en mai 1937 et, en même temps, le revendiquèrent sur la base de l'occupation. En ce qui concerne la façon dont le ministère des Affaires extérieures accueillit cette revendication, voir le document suivant.

See/ Voir "North Pole Claim is Made by Soviet as Tent City Rises," *New York Times*, 23 May 1937, p. 1, and/ et "Russia Annexes North Pole," *The Times* (London/ Londres), 24 May 1937, p. 13.

¹⁸⁵ See/ Voir LAC/ BAC, RG 25, vol. 1617, file/ dossier 1932-72S.

Canada and the United States, whereby military aircraft of either country are permitted under certain conditions to fly over specified portions of the territory of the other, where geographical considerations render it particularly desirable. In respect to all other proposed flights of State aircraft from the United States over Canadian territory, application must be made in each instance to the Canadian Government, through the diplomatic channel.

Yours sincerely,

[O.D. Skelton]
Under-Secretary of State
for External Affairs.

F.R. Scott, Esq.,
Faculty of Law, McGill University,
Montreal, P.Q.

544.

Minutes of meeting of Northwest Territories Council

Procès-verbal de réunion du Conseil des Territoires du Nord-Ouest

LAC/ BAC, MG 9 G-1, reel/ bobine M-812

MINUTES OF A SPECIAL SESSION OF THE NORTHWEST TERRITORIES COUNCIL
HELD ON THURSDAY, THE 18TH DAY OF NOVEMBER, 1937,
IN THE OFFICE OF THE COMMISSIONER.

[Ottawa]

PRESENT -

Dr. Charles Camsell (in the Chair)	- Commissioner
Mr. R.A. Gibson	- Deputy Commissioner
Dr. H.W. McGill	- Member of Council
Mr. A.L. Cumming	- " " "
Mr. K.R. Daly	- " " "
Major D.L. McKeand	- Secretary

IN ATTENDANCE -

Mr. Edward Shackleton
Mr. L.E. Drummond

[...]

2. Shackleton Expedition 1937-38-

Mr. Gibson explained that the meeting had been called for the purpose of discussing the details of a proposed expedition to Ellesmere Island under the leadership of Mr. Edward Shackleton, organizer of the Oxford University Ellesmere Land Expedition 1934-35. Copies of the proposed plans of the expedition have been sent to each member of Council. As Sir James MacBrien was unable to be present he had communicated his remarks by letter† which Major McKeand read. Copy attached.

Council was informed that it was not the intention to give Mr. Shackleton any definite word at the present time but merely to discuss the matter and hear his plans.

Mr. Gibson said he thought it very necessary to have the Arctic Archipelago patrolled to some extent by air as undoubtedly the United States is planning [on] doing some exploring

north of Alaska¹⁸⁶ and Canada must do likewise. The Commissioner of the R.C.M. Police informed him that the number of aeroplanes for the Police Service had been substantially increased and that there will be at least two continuously on Arctic work. These will be available to patrol the mainland and also portions of the Arctic Archipelago. Also, that the Police aircraft would be available for the transportation of administrative officers, doctors and scientists. Mr. Gibson thought that more money should be spent on patrolling and administering the inhabited area as this would do more to establish British sovereignty in the Arctic than exploring the uninhabited area. He was of the opinion that assistance given should be commensurate with the benefits Canada would receive. The benefits from the exploration of the Arctic are relatively small, limited to meteorological and biological observations, etc. The exploration itself does very little in the interests of British sovereignty – exploration about 20% and administration 80%.

Major McKeand said that the R.C.M. Police planes will have a range of 1,500 miles, and with a base at Bellot Strait could fly from there to a base at Craig Harbour or Lake Hazen. From Lake Hazen to the North Pole is only about 700 miles. Sir James MacBrien has a base at St. Hubert where men are being trained and by spring he will have ten men and six planes. It was explained that while aircraft are suitable in some parts of the Arctic it was impossible to depend on landing on sea ice and bases would have to be established.

Mr. Gibson thought it would be better to go slowly and do a little mapping each year rather than spend a great deal of money on one expedition. Dr. Camsell was of the opinion that the primary object of these expeditions was to bring glory and kudos to the members of the expedition, and secondly, to get geographical information.

At this point in the discussion Mr. Shackleton was admitted to the meeting. He opened his remarks by stating that a copy of a confidential memorandum¹⁸⁷ of the proposals in connection with his expedition had been submitted to Sir James MacBrien over a year ago and a copy was handed the Minister [of the Interior] when in London last May. Mr. Shackleton said that although he had discussed his plans privately with several people they were now presented officially for the first time.

Mr. Gibson asked if it were necessary, in order to get the desired information, to organize on such a large scale, or if it were not possible that valuable work could be done on a smaller scale with the assistance of the R.C.M. Police and the safety of those engaged reasonably guaranteed. He asked if it would not be possible to do excellent work west of Axel Heiberg if supplies were taken up on the Eastern Arctic Patrol to Fram Havn. Mr. Shackleton said he would prefer to have a base in Greenland as Eskimo support is almost essential. Major McKeand said that all Arctic work to be done by a vessel must be well arranged and timed. The reason for not reaching Fram Havn in 1932 was attributed to the lateness of the season. He pointed out that the "Arctic" and "Beothic" had no difficulty in reaching Fram Havn, neither had the "Nascopie" experienced any trouble in delivering the supplies to Craig Harbour. He would like to give the assurance that supplies could be delivered to Fram Havn by the Eastern Arctic Patrol every year if a call were provided for in the itinerary.

¹⁸⁶ It was rumoured that in 1937 Soviet fliers had sighted land north of Alaska and that US officials planned to find and claim it./ Une rumeur circula qu'en 1937 des aviateurs soviétiques avaient aperçu au nord de l'Alaska une terre que les responsables américains prévoyaient trouver et revendiquer.

See/ Voir "We May Lay Claim to 'Land' in Arctic," *New York Times*, 13 March 1938, p. 41, and/ et LAC/ BAC, RG 85, vol. 884, file/ dossier 9141.

¹⁸⁷ Shackleton to MacBrien, 31 January 1936, LAC/ BAC, RG 18, acc. 1985-86 048, box/ boîte 33, file/ dossier G-804-13.

Mr. Gibson said it would be necessary to weigh the results of such an expedition against the expenditure of a half million dollars. Although the Government would likely be sympathetic they were also economical. Mr. Shackleton was asked to give a brief outline of his plans.

He said the proposed scheme was based on discussions which took place at Robertson Bay in the winter of 1935 and subsequent research work by members of the Oxford University Ellesmere Land Expedition. They had come to the conclusion that they had spent a long time and got a very small return and had worked out what they thought was the ideal size of an expedition to bring back the maximum amount of information for the money expended. He pointed out that transportation was the chief factor in any Arctic expedition and when he submitted the original proposals he hoped to have the assistance and co-operation of the Air Forces of Great Britain and Canada. In view of the present European situation no aircraft were now available from these sources. If aircraft were purchased he estimated the cost of the expedition would run between \$250,000 and \$500,000. He thought it would be impossible to raise all the funds necessary for such an elaborate expedition before leaving for the North, and therefore the expedition would require substantial guarantees by the Canadian and British Governments.

He said that if the Northwest Territories Council would endorse these tentative plans in principle, steps could be taken immediately to collect private subscriptions and donations of scientific equipment, personal clothing, food supplies, medical comforts, etc. The original plans provided for an advance party of four experienced Arctic travellers (including a doctor) to establish a post at Robertson Bay in the early summer of 1938. Living quarters, meteorological and direction finding stations would be built, natives and dog teams engaged, dog food cached, etc., and the party would take advantage of every opportunity to do whatever scientific work was possible. The following year two large and two small aircraft would fly from England following the Greenland coast with the aid of Danish radio stations, to the base at Robertson Bay. Another ship would bring whatever additional fuel and general supplies were necessary. The administrative and scientific personnel would be brought up to twenty-four by April or early May.

As soon as possible aircraft would be used to establish an advance base on Lake Hazen which he thought could be reached in about two or three hours. With the daily increase of sunlight, absence of fog because the sea and lakes would still be frozen, he thought the aircraft could operate for at least twenty-five days. He said this would be sufficient to establish the advance base, land the scientists, Eskimos, dog teams, etc. Four sledge parties would operate from this point. The main objective would be the further exploration of the geology of Grant Land. If weather conditions permitted the two large planes would fly north and west from Ellesmere Island over the Polar Sea in an attempt to discover new land and take possession in the name of Canada.

During the summer ornithological, archaeological and botanical work could be done and observations taken with a view to future work. He thought Lake Hazen might be an important breeding ground for wild life. The two small aeroplanes can be occupied in taking photographs for survey purposes. Before freeze-up all sledge parties and others at the advance base would be flown back to the main base at Robertson Bay in time to leave by ship and air before navigation closed. In the event of bad weather the personnel at the advance base could sledge back by dog team.

The chief point in the plan is that flying would only take place during continuous daylight. Machines would fly in pairs and have directional wireless. A radio station would be set up at Lake Hazen with a range to carry four or five hundred miles and constant communication would be kept up with the base at Robertson Bay.

Mr. Shackleton said he had discussed the plans with Air Commodore G.M. Croil and Sergeant Lawrence. They do not see any overwhelming snags although there are certain technical difficulties.

Mr. Shackleton was not sure about pilots for the aircraft. He thought commercial pilots with Arctic experience would be more reliable at present but as time went on the air forces should have a personnel well trained in Arctic flying. He said that it was possible for the aircraft to use both skis and wheels. Lake Hazen was not open in April or May but he thought good landing was possible with pontoons later in the season. However, examination of the sites for bases at Robertson Bay and Lake Hazen disclose a number of flat gravel beds from three to five miles in area, which he thought suitable for landing on wheels.

Although Mr. Shackleton thought the geological information to be secured by the expedition was of primary importance, other sciences including meteorology, biology, archaeology, etc., were almost on the same level. He pointed out that the exploration of the Canadian Arctic, north and west of Ellesmere Island, would be the main objective of the expedition. The discovery of new land and claiming it for Canada was important in view of the Russian and United States activities in the Arctic and Antarctic.

The most important factor in carrying out the work to get good results is the co-operation of the Greenland Eskimos. These plans were discussed with them in the summer and they were willing to accompany the expedition. It is very difficult to get white men capable of sledging in that country. The expedition would operate a little over a year. The main party would be in the field about four or five months and would be able to spend most of that time working.

Mr. Shackleton said it is possible at the present time to get quite a number of well trained young men who are interested and would be prepared to go themselves and put up the money. Mr. Gibson asked if the young men who are available would be equally interested and well qualified to map the districts or are they only interested in the expedition. Mr. Shackleton said he thought that he could secure men who would be good Arctic travellers as well as scientists.

Mr. Gibson said that it was important to Canada that those who have the facilities should be men of sufficient standing in that particular branch of science to make their findings authoritative. He was not criticizing any expedition but said there were men in the service of Canada of outstanding accomplishments. He said that the Canadian Government would likely wish to send these young men along with an expedition of this nature so that observations would be standardized and the men available for consultation if required. Also, that departments of Government would have original material on file instead of being forced to depend on published literature for information on Canadian territory.

The Commissioner pointed out that before the Canadian Government would lend financial support to such an enterprise a definite statement of the results to be achieved should be clearly and definitely stated. While the Northwest Territories Council was sympathetic towards all scientific investigation in the Arctic and would be prepared to co-operate to the fullest extent with Mr. Shackleton it would first be necessary to study the proposals from every standpoint. He thought the best method would be to refer the proposals to an inter-departmental committee where the views of all those with flying and Arctic experience could be obtained. As regards financial support, he thought Mr. Shackleton was well aware that the Canadian as well as the British Government demanded a dollar's worth of value for every dollar expended.

Mr. Shackleton said it would be almost impossible to do anything unless they could secure a substantial financial guarantee.

In answer to questions by the members, Mr. Shackleton said the Greenland Eskimos were anxious to take part in another expedition. He had discussed the plans with Mr. Jensen, Danish Director of Greenland, and secured his promise of co-operation. He added that following the death of Knud Rasmussen the trading rights of Thule, Robertson Bay and Etah, fell into private hands but the Danish Administration now exercised full control over all Greenland. In view of the expiry of the Denmark-Norwegian Agreement over East Greenland he thought Denmark was eager to demonstrate the success attendant upon the administration of North and West Greenland and would stretch a point to lend support to an expedition that would employ and guarantee good wages to Greenlanders.

Dr. McGill asked if an estimate had been made. Mr. Shackleton said that it depended on the type of aeroplanes used, but he thought \$500,000 was the outside figure. He said they might be able to get a reduction on the planes in view of the advertising.

Mr. Shackleton asked if the Canadian Government would be prepared to approve in principle such a plan, subject to their final approval on the detailed working out of the plans. If the right men and machines, etc., can be got, would they be prepared to give financial aid.

Mr. Gibson asked if 50% of the expense could be guaranteed by England. Mr. Shackleton said he could get the equipment and personnel but cannot get the planes in Canada.

With regard to the question of the value of the expedition to Canada, Mr. Shackleton said that there seems to be a feeling among some people that a big expedition should go into the Canadian Arctic in view of other activities there. He thought an expedition will have to go in some time during the next ten years from a strategic point of view.

The Deputy Commissioner referred to the policy of the Northwest Territories Council in making progress steadily northward, confining administration chiefly to populated areas. While he thought that expeditions of the magnitude outlined by Mr. Shackleton were sometimes necessary to assert sovereignty, he thought that generally the advance of civilization should be gradual and sound. He referred to the aircraft equipment of the R.C.M. Police and the possibility of developing an aerial medical service. He thought that the healthy growth of social services among primitive peoples did more to assert sovereignty than aerial or other expeditions. He cited the work of the Eastern Arctic Patrol which has now attracted the attention of the world by completing the Northwest Passage. There was also the possibility of establishing a scientific station somewhere in the Arctic where scientists of international repute could study the phenomena for one or more years. Aerial transportation, he pointed out, depended upon weather reports and compass accuracy. The North Magnetic Pole was situated on Boothia Peninsula, not far from Bellot Strait, and perhaps satisfactory aircraft landing fields could be found nearby. With this main base, advance bases could be established as circumstances permitted and operation[s] undertaken entirely by Canadians within the boundaries of the Dominion. Moreover, the scientific data collected would be available for the study of departmental officials as well as the Canadian public.

The Commissioner complimented Mr. Shackleton on the manner of his presentation of a very comprehensive and extensive proposition. He thanked him for the fund of information which had been supplied in the course of his remarks and asked if he could

²⁸ During the 1937 Eastern Arctic Patrol, the *Nascope*, met another Hudson's Bay Company ship, the *Aklavik*, that had entered the Arctic from the west. Au cours de la patrouille de l'Arctique orientale de 1937, le *Nascope* croisa un autre navire de la Compagnie de la Baie d'Hudson, l'*Aklavik*, qui était entré dans l'Arctique en venant de l'ouest.

reduce the subject matter to writing for the Minister. He congratulated Mr. Shackleton on the success of his lecture tours and the reduction of the debt of the Oxford University Ellesmere Land Expedition from \$9,000 to about \$1,500. He was looking forward to the address which Mr. Shackleton was delivering to the Royal [Canadian] Geographical Society and the National Council of Education last evening.

Mr. Shackleton thanked the Commissioner in Council for listening so attentively to the presentation of his case and promised a written statement¹⁸⁹ in the near future.

Mr. Shackleton then retired.¹⁹⁰

[...]

545.

Memorandum from Superintendent of Eastern Arctic to Director, Lands, Parks and Forests Branch, Department of Mines and Resources

Note du surintendant de l'Arctique oriental au directeur, Secteur des terres, parcs et forêts, ministère des Mines et des Ressources

LAC/ BAC, RG 85, vol. 268, file/ dossier 1003-6

Ottawa, 11th October, 1939.

Memorandum:

Mr. Gibson.

[...]

In my opinion the maintenance of a police post at Craig Harbour with employed Greenland Eskimos is an unnecessary expense in view of the generally accepted Arctic sector principle. The Eastern Arctic Patrol has difficulty every year in serving Craig Harbour whereas Dundas Harbour or some other easily accessible location on Lancaster Sound would be more effective as a base for winter patrols than Craig Harbour has been. It will be recalled that the late Inspector Joy made his great patrol from Dundas Harbour to Melville Island and thence north-east to Bache Peninsula. The dog sled patrols from Craig Harbour have been comparatively short and confined largely to Ellesmere Island itself. Moreover, as far as game protection is concerned, Greenland natives have taken musk-oxen on Ellesmere Island and Haig-Thomas deliberately broke the Northwest Game Act by ordering Nukapinguag to shoot musk-oxen in 1938.¹⁹¹

¹⁸⁹ Shackleton to Camsell, 24 November 1937, LAC/ BAC, RG 85, vol. 818, file/ dossier 7022.

¹⁹⁰ Shackleton's planned expedition never took place. L'expédition prévue par Shackleton n'eut jamais lieu.

¹⁹¹ David Haig-Thomas, a British ornithologist, took part in the Oxford University Ellesmere Land Expedition and later led his own expedition in 1937-1938. Subsequently, Nukapinguag made a sworn deposition that Haig-Thomas had ignored the Canadian game regulations. A formal complaint was made to the Royal Geographical Society, which had endorsed the Haig-Thomas expedition. Haig-Thomas denied the charge.

David Haig-Thomas, un ornithologue britannique, prit part à l'expédition de l'Université d'Oxford à l'île d'Ellesmere et dirigea plus tard sa propre expédition en 1937-1938. Par la suite, Nukapinguag affirma dans une déposition assermentée que Haig-Thomas n'avait pas respecté les règlements canadiens sur le gibier. Une plainte officielle fut déposée à la Royal Geographical Society, qui avait approuvé l'expédition Haig-Thomas. Haig-Thomas nia l'accusation.

See: Voir LAC/ BAC, RG 85, vol. 872, file dossier 8729.

During the occupation of Dundas Harbour by the Hudson's Bay Company from 1934 to 1936 inclusive, "dog sled journeys covered a large part of Devon, Baffin and Cornwallis Islands and the southern coast of Ellesmere Island. I was told by Mr. Charles Russel that a sledge journey to Winter Harbour on Melville Island would not be a difficult undertaking. Eskimos from Cape Dorset and Luke Harbour taken north in 1934 are now located on Somerset Island and occasionally visit Prince of Wales Island. I have no doubt that in the course of a few years the younger generation of these natives will be occupying Cornwallis, Bathurst and perhaps some of the other islands north of Lancaster Sound.

To my mind, the occupation of the Arctic Islands by Canadian Eskimos would strengthen the Arctic sector principle whereas the employment of Greenland natives has a tendency to weaken it.¹⁹⁴

Respectfully submitted,

D.L. McKeand

The reluctance of people from Baffin Island to take employment at the far northern posts was often noted by Canadian officials. La réticence des gens de l'île de Baffin à travailler aux postes de l'extrême nord fut souvent relevée par les responsables canadiens. For example, see: Par exemple, voir J.H. MacBrien to H.H. Rowatt, 13 November 1933, and: et McKeand to H.E. Hume, 15 November 1933, also in file: aussi au dossier 1003-6.

The Police therefore hired Inughuit from Thule, Greenland, and were completely satisfied with their services. Nevertheless, McKeand became a strong proponent of a plan to create Inuit "colonies" at Hudson's Bay Company posts in formerly unoccupied areas throughout the archipelago. The purpose was to place these people in better hunting and trapping areas, with some employment and training as a secondary motive. The first such attempt was made in 1938 at Dundas Harbour and failed in two years.

La police embarqua donc des Inughuits de Thule, au Groenland, et fut entièrement satisfaite de leurs services. Néanmoins, McKeand devint un ardent partisan d'un plan pour créer des colonies inuites dans les postes de la Compagnie de la Baie d'Hudson situés dans des zones inhabitées d'ailleurs de tout l'archipel. L'objectif était de placer ces personnes dans de meilleures zones de chasse et de piégeage, la question de la souveraineté représentant un motif secondaire. La première de ces tentatives fut faite en 1934 à Dundas Harbour et échoua en moins de deux ans.

See: Voir Diamond Jenness, *Eskimo Administration: II. Canada* (N.p.: Arctic Institute of North America, 1964), pp. 54-64, and minutes of meeting of Northwest Territories Council, et le procès-verbal de la réunion du Conseil des Territoires du Nord-Ouest, 18 December: décembre 1933, LAC: BAC, MG 9 G-1, reel: bobine M-812.

¹⁹³ Most of the Baffin Island Inuit were returned from Dundas Harbour to their original homes, but some went to Fort Ross and later to Spence Bay. La plupart des Inuits de l'île de Baffin furent retournés de Dundas Harbour à leurs domiciles originaux, mais certains se rendirent à Fort Ross et plus tard à Spence Bay.

See: Voir Jenness, *Eskimo Administration*, p. 61.

¹⁹⁴ Marginal note: Note marginale:

Major McKeand: 12-10-39.

You might note this subject for discussion at a meeting of the N.W.T. Council at which Dr. Skelton and the Commissioner of the R.C.M.P. should be present. R.A. [Gibson] Director

The matter was discussed at a meeting on 17 October 1939. Gibson brusquely quashed the idea of closing the Craig Harbour post. No one besides McKeand seems to have worried that the employment of Greenlanders could have a detrimental effect on Canadian sovereignty. La question fut discutée lors d'une réunion le 17 octobre 1939. Gibson rejeta abruptement l'idée de fermer le poste de Craig Harbour. Personne outre McKeand ne semble avoir craint que la présence de travailleurs du Groenland puisse nuire à la souveraineté canadienne. See: Voir LAC: BAC, MG 9 G-1, reel: bobine M-813.

PART SIX/ SIXIÈME PARTIE

1940-1949

546.

**Memorandum from Under-Secretary of State for External Affairs to Third Secretary,
Department of External Affairs**

**Note du sous-secrétaire d'État aux Affaires extérieures au troisième secrétaire,
ministère des Affaires extérieures**

LAC/ BAC, RG 25, vol. 2669, file/ dossier 9060-B-40

[Ottawa,] January 31, 1940.

Memo for Mr. Wershof-

The Department of Mines and Resources is considering the withdrawal of the Royal Canadian Mounted Police detachment on Ellesmere Island at Craig Harbour next summer for the duration of the war in view of the difficulty of finding a probable ship to visit those areas after 1940. One reason for maintaining this detachment has been to assert Canadian sovereignty in this area and to continue administrative action. Mines and Resources inquire[†] whether this temporary withdrawal could be considered to weaken or nullify our claim. Will you please prepare a memorandum on this subject[?]

O.D. S[kelton]

547.

Memorandum from Third Secretary, Department of External Affairs, to Under-Secretary of State for External Affairs

**Note du troisième secrétaire, ministère des Affaires extérieures, au sous-secrétaire
d'État aux Affaires extérieures**

LAC/ BAC, RG 25, vol. 2669, file/ dossier 9060-B-40

[Ottawa,] February 6, 1940

MEMORANDUM FOR DR. SKELTON RE PROPOSED ABANDONMENT,
FOR THE DURATION OF THE WAR, OF THE CRAIG HARBOUR POST

Attached is a report of a conversation with Major McKeand, giving some of the background of the proposal.

The question is whether an abandonment of the Craig Harbour post for the duration of the war would nullify or weaken Canada's claim to Ellesmere and other Arctic Islands.

One of the difficulties about answering this question is that it is not clear whether Canada bases her claim to the islands on the sector theory or on the principle of effective occupation.

From the statements¹ of Hon. Charles Stewart in 1925 in the House of Commons, it might be inferred that the Government rested its claim on the sector theory. In practice, however, police posts were placed at Craig Harbour (and, at one time, at Dundas Harbour and Bache Peninsula) for the sole purpose, I believe, of establishing a symbol of effective occupation in the most northerly islands.

¹ See/ Voir doc. 371, footnote/ note en bas de page.

To the extent that Canada relies on the sector theory, the abandonment of the Craig Harbour post can make no difference to her title. I think that this is implicit in the nature of the sector theory. It does not require effective occupation and, therefore, a title based on the sector theory cannot be weakened by a termination of occupation (unless, of course, the termination were intended to constitute an abandonment of title).

To the extent that Canada relies on effective occupation, it seems to me that even a temporary abandonment of the Craig Harbour post must weaken – though it will not nullify

Canada's claim, not only to Ellesmere Island but also to all the islands lying north of Viscount Melville Sound and Lancaster Sound – unless a suitable substitute for the Craig Harbour post is provided.

The islands lying north of the aforementioned line may, I think, be considered as a group. Craig Harbour is the only post in this area. If it is abandoned, without a substitute there will be no one physically present in the area to symbolize effective occupation.

However, if the post at Dundas Harbour is reopened, as Major McKeand says is possible, this post should be as effective as Craig Harbour as a symbol of occupation of the whole area in question.

On the general question of the legal effect of abandonment, Hall's International Law, 8[th] ed., says at p. 140:

"... when occupation has not only been duly effected, but has been maintained for some time, abandonment is not immediately supposed to be definitive. If it has been voluntary, the title of the occupant may be kept alive by acts, such as the assertion of claim by inscriptions, which would be insufficient to confirm the mere act of taking possession ..."

Hall's statement is vague, as any statement on this subject must be. In applying it to the present problem, it may be remembered, on the one hand, that there has never been more than symbolic occupation of the most northerly islands, and, on the other hand, that Canada will continue to assert her authority vis-a-vis explorers even if there is no police post in the area. My conclusion is that the abandonment of Craig Harbour will, if no substitute is provided, weaken Canada's claim but it will not of itself nullify the claim.

Apart from legal considerations, it may be in order to consider whether any country is likely to wish to challenge Canada's title to the islands. A weakening of Canada's legal claim may not be important if the Government is confident that no serious challenge will ever be forthcoming.

REPORT OF A CONVERSATION ON FEBRUARY 6TH, 1940, WITH
MAJOR MCKEAND OF THE DEPARTMENT OF MINES AND RESOURCES.

Following are the existing Royal Canadian Mounted Police posts in the Arctic islands:
Ellesmere Island – at Craig Harbour.
Baffin Island – at Pond Inlet, Pangnirtung, and Lake Harbour.
Victoria Island – at Cambridge Bay.

The Royal Canadian Mounted Police post at Dundas Harbour on Devon Island was discontinued in 1933, but the buildings are still there.

The policemen stationed at Craig Harbour annually visit Kane Basin on Ellesmere Island.

On Banks Island and Somerset Island there are trading posts but no police posts.

Commencing in 1933 the annual patrol to the eastern Arctic has been made in the Hudson's Bay Company's ship "Naseptic". The route followed by the ship in 1939 is shown on the annexed map.†

For business reasons the Company may discontinue the Nascopie's annual voyage after 1940.

To reach Craig Harbour, an icebreaker like the Nascopie is needed. If the Craig Harbour post were eliminated the other police posts would be cared for in the following way:

In 1940 the Nascopie would bring them 2-years' supplies of staples.

In 1941 smaller craft could bring them other supplies.

If it is considered desirable, from the point of view of international law, to substitute something for the Craig Harbour post, the police post at Dundas Harbour could be reopened in 1941 when the smaller craft go up. Policemen stationed at Dundas Harbour could, if desired, make an annual trip on foot to Craig Harbour and even to Kane Basin.

There are no humans on the islands north of Viscount Melville Sound and Lancaster Sound, except the policemen at Craig Harbour and the Greenland Eskimos who work for them.

Major McKeand gave me the following maps, which have been placed in the Library of this Department:

1929 Map of Northwest Territories, showing Eskimo population.†

1939 Map of Northwest Territories.†²

[Max Wershof]

548.

Letter from Under-Secretary of State for External Affairs to Deputy Commissioner of Northwest Territories

Lettre du sous-secrétaire d'État aux Affaires extérieures au commissaire adjoint des Territoires du Nord-Ouest

LAC/BAC, RG 25, vol. 2669, file/ dossier 9060-B-40

Copy/ Copie

Ottawa, February 15, 1940.

Dear Mr. Gibson:

This Department has had under consideration the proposal mentioned in your letter† of February 2, namely, that the police post at Craig Harbour should be vacated for the duration of the war.

I realize the usefulness of maintaining the post as one way of signifying Canada's sovereignty over Ellesmere and neighbouring islands. However, I am of the opinion that a withdrawal of the police for the duration of the war would neither nullify nor seriously weaken Canada's claims.³

If a withdrawal is decided on, I would suggest that any announcement of it should say that the post is being vacated for a year. The subject can be reviewed in 1941 and another announcement made if necessary.

² Copy in/ Copie dans LAC/ BAC, RG 85, vol. 1515, file/ dossier 1009-28.

³ On the difference between Wershof's opinion and Skelton's, see Introduction. En ce qui concerne la divergence d'opinion entre Wershof et Skelton, voir l'introduction.

A possibility that might be canvassed in 1941, or 1942, if it then appears that Craig Harbour cannot conveniently be reopened for some time, is the reopening of the Dundas Harbour post. I understand that the maintenance of a post at Dundas Harbour does not require a ship like the "Nascope" but that smaller boats are adequate. It could be considered in 1941 or 1942 whether the Dundas Harbour post should be reopened as a temporary substitute for Craig Harbour.⁴

Yours sincerely,

[O.D. Skelton]

R.A. Gibson, Esq.,

Deputy Commissioner, Administration of the Northwest Territories,
Ottawa.

549.

Memorandum from Chief of Air Staff to Minister of National Defence for Air
Note du chef d'état-major de l'air au ministre de la Défense nationale pour l'air
LAC/ BAC, RG 25, vol. 2908, file/ dossier 2403-40

[Ottawa,] 21st August, 1941.

Secret

The Honourable the Minister for Air [C.G. Power]

1 The following message was received this morning by A M A S from Colonel Bissell, War Department, Washington:

"As result recent British-United States meeting discussions President [Franklin D. Roosevelt], General Arnold and Lord Beaverbrook, General Arnold desires Canadian authorization for United States to establish immediately at Fort Chimo, Upper Frobisher Bay and Cumberland Sound [Peninsula]¹ weather and emergency stations consisting of radio station, range station, direction finder, meteorological station, and essential housing for minimum operating personnel, an aircraft emergency crew, medical detachment and crews of three large airplanes. Contemplate providing some emergency aviation fuel, lubricants, emergency spares and adequate food stockage. No question of leases involved. Mandatory that definite decision be received promptly as any delay will defeat entire project."

¹ The Hudson's Bay Company did not in fact discontinue the voyages of the *Nascope*. Nevertheless, the Craig Harbour post was closed in the summer of 1940. However, the Dundas Harbour post was not reopened until 1945; it was then maintained until 1951, when the police once again established themselves at Craig Harbour. Instead of a permanent post in the High Arctic, the two voyages of the RCMP's "floating detachment," the *St. Roch*, through the Northwest Passage in 1941-1942 and 1944 were used to maintain a Canadian presence during the war years. This was particularly true of the second voyage, which took the more difficult northern route through the archipelago.

La Compagnie de la Baie d'Hudson n'interrompit pas en fait les voyages du *Nascope*. Néanmoins, le poste de Craig Harbour fut fermé à l'été 1940. Le poste de Dundas Harbour ne fut cependant rouvert avant 1945; il fut ensuite maintenu jusqu'en 1951, lorsque la police une fois encore s'installa à Craig Harbour. Au lieu d'un poste permanent dans le Haut-Arctique, les deux voyages du « détachement flottant » de la RGCC, le *St. Roch*, à travers le passage du Nord-Ouest en 1940-1942 et 1944, furent utilisés pour maintenir une présence canadienne pendant la guerre. Ceci est particulièrement vrai du deuxième voyage, qui suivit l'itinéraire nordique plus difficile à travers l'archipel.

See: Voir docs 570, 571, and, et DCER DRREC, vol. 11, doc. 1086.

⁵ See: Voir doc. 553, footnote note en bas de page.

2. The above message is in confirmation of a telephone call from Bissell to Cuffe late yesterday afternoon. Bissell stated there was no question of leases or expenditure by Canada and weather data would be available to Canada. General Arnold wishes to determine the most expeditious means for finding out whether Canada has any objection to the United States putting in the stations mentioned, as rapidly as possible, as the shortness of the season, the acquisition of ships and material, are determining factors. Accommodation for personnel would be pre-fabricated knock-down hutments.

3. The stations are required to facilitate the ferrying of medium-range aircraft via Greenland and Iceland to Great Britain and also to supply weather data in this northern area. Incidentally, such facilities would also be useful in the defence of Greenland and Iceland, i.e., for reinforcing aircraft.

4. It is recommended that authority be obtained as rapidly as possible for the United States Corps to proceed with the installations as desired.⁶

L.S. Breadner,
Air Vice-Marshal,
Chief of the Air Staff.

550.

Telegram from Department of External Affairs to High Commissioner in United Kingdom

Télégramme du ministère des Affaires extérieures au haut-commissaire au Royaume-Uni

LAC/ BAC, RG 25, vol. 2908, file/ dossier 2403-40

[Ottawa, 21 August 1941]

No. 1269. Most Immediate. [Secret.]

Following for Prime Minister [W.L.M. King]. Begins. An urgent request is coming forward tomorrow from State Department for authority for United States to establish immediately at Fort Chimo, Upper Frobisher Bay and Cumberland Sound [Peninsula], weather and emergency stations consisting of a radio station, a range [station,] direction finder, meteorological station, with essential housing for minimum operating personnel, an aircraft emergency crew, medical detachment and crews of three large aeroplanes. It is contemplated providing some emergency aviation fuel, lubricants, emergency spares and adequate stocks of food. There is no question of leases involved or expenditure by Canada and weather data would be available to Canada. Understand that this matter was discussed with President by Mr. Churchill in recent survey of North Atlantic defence problems and subsequently in Washington. Urgency of matter is stressed because of lateness of season. United States Government would be grateful if reply could be received tomorrow afternoon. Would be grateful for immediate reply. Ends.

⁶ Marginal note:/ Note marginale :

[R]eferred to External Affairs. C.G. P[ower] 21/8/41

551.

Telegram from Department of External Affairs to High Commissioner in United Kingdom

Télégramme du ministère des Affaires extérieures au haut-commissaire au Royaume-Uni

LAC/ BAC, RG 25, vol. 2908, file/ dossier 2403-40

[Ottawa, 21 August 1941]

No. 1270. Most Immediate. Secret.

Following for Robertson from Pearson, Begins. Reference immediately preceding telegram to Prime Minister. State Department have strongly emphasized urgency and [Council wise to have Prime Minister's views before giving decision. There is no time to bring it up before Joint Defence Board, particularly since most members, if not all, of Canadian section are away. Affirmative decision seems only one possible and would appreciate immediate word from Prime Minister. Ends.

552.

Decoded Telegram from High Commissioner in United Kingdom to Department of External Affairs

Télégramme décodé du haut-commissaire au Royaume-Uni au ministère des Affaires extérieures

LAC/ BAC, RG 25, vol. 2908, file/ dossier 2403-40

London, August 22nd, 1941.

No. 1497. Most Immediate. [Secret.]

Following from the Prime Minister [W.L.M. King]. Begins. Your telegram No. 1269 and your telegram No. 1270 of August 21st. In all the circumstances I concur in proposed affirmative answer to the United States request for permission to set up meteorological stations at points named. Our reply, however, should emphasize temporary and emergency character of these arrangements and reserve our right to replace them by Canadian weather reporting stations when we are in a position to do so. Ends.

[Vincent Massey]

553.

Letter from Under-Secretary of State for External Affairs to Assistant Under-Secretary of State for External Affairs

Lettre du sous-secrétaire d'État aux Affaires extérieures au sous-secrétaire d'État adjoint aux Affaires extérieures

LAC/ BAC, RG 25, vol. 2908, file/ dossier 2403-40

Canada House, London, S.W.1.

28th August, 1941

Confidential

Dear Mike [Pearson],

With reference to your telegrams 1269 and 1270 of August 21st and our reply No. 1497 of August 22nd, regarding United States plans for establishing weather reporting stations

and emergency air landing fields in Ungava and Baffin Land, I may say that I made some enquiries through the Dominions Office as to how this question had been raised for the first time at the Atlantic Conference between the United Kingdom and the United States, at which Canada was not represented.

Liesching arranged a meeting for me with senior Air Ministry officials on August 26th, at which Sir Arthur Street and Air Vice Marshal Freeman, who had accompanied Churchill on the "Prince of Wales", were present. Freeman said the question had been raised by General Arnold in a general exploratory way and that the United Kingdom Air people had not been prepared to comment on the American proposals, which they thought were quite tentative and indefinite. The United Kingdom authorities were expecting to receive from Washington some more definite indication of just what plans the United States had in mind for the northerly air route and were very surprised to learn that the United States had approached us with a specific request for permission to establish weather and emergency landing stations at Fort Chimo, Frobisher Bay and Cumberland Sound (according to United Kingdom information, the second station in Baffin Land was not to be on Cumberland Sound but on the northern shore of Cumberland Peninsula at a point known as Merchants Bay).⁵

I was not in a position to discuss the advantages and drawbacks of the various alternative northerly routes which might be used for the winter transport of bombers to the United Kingdom, and made it clear that I was only concerned with the political aspects of the establishment by the United States of air bases in Canadian territory and with the question of the channel through which such United States requests should reach the Canadian Government.

Liesching, who had arranged the meeting, thought I should give the Air Ministry a little lecture on "status" and its implications, so I preached on the old text.

I am enclosing, for the record, copy of a telegram of August 22nd from the Air Ministry to Air Marshal Harris in Washington, reviewing the situation as seen from London. I have given a copy of this telegram and of our telegrams under reference to Air Commodore Stevenson for his information.

Yours sincerely,

Norman Robertson

L.B. Pearson, Esq.,
Department of External Affairs,
Ottawa.

Enclosure: Telegram from Air Ministry, United Kingdom, to Head of Royal Air Force Delegation, Joint Staff Mission of United Kingdom in United States

Pièce jointe : Télégramme du ministère de l'Air, Royaume-Uni, au chef de la délégation de la Royal Air Force, mission de l'état-major interarmées du Royaume-Uni aux États-Unis

Copy/ Copie

[London, 22 August 1941]

Most Secret. Important. Not W/T.

Following Personal for Harris from V.C.A.S. Repeated to H.Q. Ferry Command Personal for Bowhill. Begins.

⁵ Padloping Island./ Île Padloping.

1. In our recent discussions General Arnold strongly represented to me the desirability of a northerly route via Labrador and Greenland for the ferrying of American aircraft to this country in the winter months, when those latitudes were almost entirely free of clouds, and although the "aerodromes" were covered with snow, landings with ordinary undercarriages could be made without the use of skids.

2. He recommended the following route which had been surveyed by American officers and, very recently, by Lieutenant [H] [Hott] Roosevelt: Northwest River - Fort Chitall - Frobisher Bay - Cumberland Peninsula (Merchant Bay) - Holstenburg (Holstenburg) (Greenland) - Angmagssalik (Greenland) - Iceland - Prestwick. The U. S. Army Air Corps would be prepared to supply meteorological and wireless facilities at all places, and service parties at Cumberland Peninsula and at Holstenburg.

3. Arnold had previously expressed himself in similar terms to C. A. S. and as you know we have ourselves had the possibilities of this route under consideration for some time. Arising out of a meeting here between Bowhill and Breadner last month, we have had an appreciation² prepared of which Street sent you and Bowhill copies by air a few days ago.

4. You will see from this appreciation that the estimated earliest time by which the route could be in operation would be end of next year. There seems to be good practical reasons for this conclusion but Arnold is evidently thinking of getting the route going much sooner than this.

5. Air Council discussed the position at their meeting on August 19th, and decided that the American authorities should be encouraged to put forward definite proposals as soon as possible for the establishment and operation of the route.

6. The Canadians would prefer themselves to construct any aerodromes needed in Canada. But if with the foregoing difficulties in mind, the American authorities will let us have firm proposals, we will take them up with the Canadian Government from this end and endeavour to secure their early concurrence.

7. It is reported in today's press that a R.C. A.F. Mission had left for Labrador and would meet there similar U.S. Mission under Roosevelt. This suggests that the possibilities of an American-Canadian understanding as well as of an American initiative are good. Please see Arnold and explain our readiness to act on the lines suggested in preceding paragraph if necessary, keeping Bowhill informed of developments. Ends.

554.

Memorandum from Special Assistant, Privy Council Office, to Assistant Under-Secretary of State for External Affairs

Note de l'adjoit spécial, Bureau du Conseil privé, au sous-secrétaire d'État adjoint aux Affaires extérieures

LAC/BAC, RG 25, vol. 4154, file/ dossier 463-N-1-40

Memorandum to:

Dr. H.L. Keenleyside,
External Affairs, Ottawa.

In a report³ on the Canal Project dated 15th September, received from the Department of Mines and Resources, it is stated that the United States Army Engineer Corps intends to operate and maintain a chain of airports from McMurray to Norman Wells. Major aircrafts, equipped with beams will be operated at McMurray, Fort Smith, Simpson and Norman Wells. Emergency landing fields will be located at Embarras, Resolution, Hay River.

² Canadian-American Air Mission to Labrador. *The Press (Toronto Telegram)* 22 August 1941, p. 2.

Providence and Wrigley. Army personnel will be stationed at each airfield throughout the winter.

While this chain is directly related to the Canol Project, it was not foreseen or provided for in the exchange of notes¹⁰ with the United States. Nor to the best of my knowledge was any approach made to the Canadian government regarding the construction of this chain of airports. Since Canada has been very careful to retain full title and control in connection with air bases on the northwest and northeast ferry routes, constructed by the United States, it would appear desirable to take similar precautions in connection with this new chain of airports.

J.R. B[aldwin]

[Ottawa,] September 17, 1942.

555.

Letter from Assistant Under-Secretary of State for External Affairs to Minister of United States

Lettre du sous-secrétaire d'État adjoint aux Affaires extérieures au ministre des États-Unis

LAC/ BAC, RG 25, vol. 4154, file/ dossier 463-N-1-40

Copy/ Copie

[Ottawa,] September 17, 1942.

Dear Mr. Moffat,

With reference to the Canol project, we have received a report from the Northwest stating that the United States Army Engineer Corps intends to operate and maintain a chain of airports from McMurray to Norman Wells. Major airfields, equipped with beams will be operated at McMurray, Fort Smith, Simpson and Norman Wells. Emergency landing fields will be located at Embarras, Resolution, Hay River, Providence and Wrigley. Army personnel will be stationed at each airfield throughout the winter.

While it is presumed that this proposal is directly related to the Canol project[,] it was not foreseen, nor has it been provided for in the exchange of notes relating to that project; nor, so far as I know, has any information in regard to such a proposal been brought to the attention of the Canadian Government through official channels. I shall be very much obliged if you will let me know what substance there may be in this report.

Yours sincerely,

[H.L. Keenleyside]

The Hon. Pierrepont Moffat,
United States Minister to Canada,
Ottawa.

¹⁰ *Canada Treaty Series*, 1942, no. 23./ *Recueil des traités du Canada*, 1942, n° 23.

556.

Letter from Deputy Commissioner of Northwest Territories to Special Assistant,
Privy Council Office

Lettre du commissaire adjoint des Territoires du Nord-Ouest à l'adjoint special,
Bureau du Conseil privé

LAC/ BAC, RG 25, vol. 4154, file/ dossier 463-N-1-40

Copy/ Copie

Ottawa, September 18, 1942.

Dear Mr. Baldwin:

RE: LANDING FIELDS IN NORTHWEST TERRITORIES
DEVELOPED IN CONNECTION WITH CANOL PROJECT

In compliance with your telephonic request I am sending you herewith a copy of the report⁵ made by Dr. J. A. Urquhart, our Acting Agent at Fort Smith, in the above connection and would say that an inspector of the Civil Aviation Division, Department of Transport, is now in the Territories looking over these fields. We have been waiting for a report⁶ from the Department of Transport before bringing up for discussion the terms under which these fields would be occupied.

As I told you on the telephone Squadron Leader I. H. Phinney of the Department of National Defence for Air, has been inquiring about these fields and promised to write us on the subject but we have not yet heard officially from his department.

Yours very truly,

[R.A. Gibson]
Deputy Commissioner

John R. Baldwin, Esq.,
Special Assistant, Privy Council Office,
Ottawa.

557.

Letter from Under-Secretary of State for External Affairs to Minister of United
States

Lettre du sous-secrétaire d'État aux Affaires extérieures au ministre des États-Unis

LAC/ BAC, RG 25, vol. 3108, file/ dossier 4349-40

Copy/ Copie

[Ottawa,] September 22, 1942.

Dear Mr. Moffat,

We have now received information which would seem to indicate that certain authorities in the United States have been developing plans for two new projects in the Canadian Northwest about which we have had no information from any official source.

⁵See V. G. R. K. Allen, "Summary of Reports of Aerial Development - Canol Project to September 21st, 1942," 1 October 1942, also in file aussi au dossier 463-N-1-40

These two projects are:

- (a) the building of an all-weather road to Fort Norman and Norman Wells to connect with the highway system of the Province of Alberta; and
- (b) the construction of an oil pipeline from Skagway to Watson Lake.

You appreciate, I know, the difficulties we face here when matters of this sort come to our attention through unofficial and even journalistic channels. It would be a matter of great satisfaction to the Canadian Government if effective steps could be taken by the United States Government to see that projects of this sort are discussed with Ottawa before information about them is made available to private interests in either country.

Yours sincerely,

[Norman A. Robertson]
Under Secretary of State
for External Affairs.

The Hon. Pierrepont Moffat,
United States Minister to Canada,
Ottawa.

558.

Letter from Minister of United States to Assistant Under-Secretary of State for External Affairs

Lettre du ministre des États-Unis au sous-secrétaire d'État adjoint aux Affaires extérieures

LAC/ BAC, RG 25, vol. 3108, file/ dossier 4349-40

Ottawa, October 5, 1942.

My dear Mr. Keenleyside:

On September 17th you wrote and asked me to find out what substance there might be in a report that the U.S. Army Engineer Corps intended to operate and maintain a chain of airports from McMurray to Norman Wells, presumably in connection with the Canol Project. You further pointed out that it was not foreseen nor had it been provided for in the exchange of notes relating to that project.

I am today in receipt of a reply from Washington confirming the construction not of "air fields" but of landing strips, each of them approximately 5500 feet long and 500 feet wide. There are fourteen of such strips; all of them are to be lighted and six of them are to be equipped with radio beams. Since the construction of these landing strips is purely incidental to the prosecution of the Canol Project, it was the thought of the Commanding Officer in the field, which the War Department shares, that no formal representation to the Canadian Government was required. The transmission of supplies for the Canol Project, which parenthetically motivated your kind letter* of August 21st, has been one of great difficulty and has required a considerable amount of improvisation by the officer in charge of the project.

My Government hopes that the Canadian authorities will concur in its belief that the original agreement regarding the Canol Project contemplated that essential supply lines and means of communication for the project should be encompassed in that agreement. If, however, you feel that some supplementary agreement is necessary, we shall of course accept your views.

Sincerely yours,

Pierrepont Moffat

Hugh L. Keenleyside, Esquire,

Assistant Under Secretary of State for External Affairs,
Ottawa.

559.

Letter from Minister of United States to Under-Secretary of State for External Affairs

Lettre du ministre des États-Unis au sous-secrétaire d'État aux Affaires extérieures
LAC/ BAC, RG 25, vol. 3108, file/ dossier 4349-40

Ottawa, Canada, October 5, 1942.

My dear Mr. Robertson:

Immediately upon receipt of your letter of September 22nd, asking for further information regarding certain developing plans for projects in the Canadian Northwest, I sent a copy to Washington and am now in receipt of the necessary information for reply.

You referred in particular to two allegedly new projects[] (a) the building of an all-weather road to Fort Norman and Norman Wells to connect with the highway system of the Province of Alberta, and (b) the construction of an oil pipeline from Skagway to Watson Lake. I shall deal with these in separate paragraphs.

The first is obviously a reference to a part of the Canol Project. For the purpose of supplying this project, winter roads or trails for use by tractors and sleds are under consideration as follows:

- (a) From Fort Nelson to Simpson via Trout Lake;
- (b) From Peace River (town) via Hay River and Providence to Simpson;
- (c) From Simpson to Norman Wells.

I am informed that work on (b) has been started and may possibly be in progress on parts of (c). These winter roads or trails were regarded by the Commanding Officer and by the War Department as necessary adjuncts incidental to the prosecution of the Canol Project. As you know, work on the main Canol Project was delayed for some time and indeed the engineers for a while contemplated suspending work on it until next spring. Later a decision, which I communicated² to Mr. Keenleyside on August 31st, was reached to proceed with the construction during the winter months. During these months it is obviously not possible to transport pipe and other supplies by water as was originally intended.

The second is obviously a reference to a portion of the Alaska Highway Project. I am told that consideration is being given to the laying of a small pipeline, probably 2½ inches, between Whitehorse and Watson Lake along the military highway for the purpose of supplying motor gasoline to filling stations along the highway and probably for serving Watson Lake Airport with aviation gasoline. A similar small pipeline along the highway between Whitehorse and Fairbanks, part of which is of course in Canadian territory, is also

under consideration. No final decision has as yet been reached in the War Department in regard to the approval of this pipeline. The feeling in Washington is that such a pipeline if approved would be an adjunct to the road and not a new or independent project. In other words, the pipeline would be regarded as a necessary incidental to the maintenance of the highway by the United States authorities in accordance with the formal exchange of notes. It is hoped that you will share this point of view.

If a misunderstanding has occurred with reference to either of these two matters it would be a question of deep regret to my Government. It is the desire of both the State Department and the War Department to do everything possible to keep the Canadian Government informed and to consult whenever necessary. I have in fact been instructed to assure you that no step will be omitted to see that this is done.¹²

Sincerely yours,

Pierrepoint Moffat

Norman A. Robertson, Esquire,
Under Secretary of State for External Affairs,
Ottawa.

560.

**Memorandum from Assistant Under-Secretary of State for External Affairs to
Under-Secretary of State for External Affairs**

**Note du sous-secrétaire d'État adjoint aux Affaires extérieures au sous-secrétaire
d'État aux Affaires extérieures**

LAC/ BAC, RG 25, vol. 3108, file/ dossier 4349-40

Copy/ Copie

[Ottawa,] October 6, 1942.

Memorandum
For: Mr. Robertson

CANOL PROJECT AND ALASKA HIGHWAY

The United States Minister called on me this morning to discuss my letter of September 17th and your letter of September 22nd. He handed me official replies¹ to each of these and copies have been circulated to the interested departments. (You will find attached copies of all documents referred to in this paragraph.)

So far as this Department is concerned I can see no objection to allowing the projects referred to in the correspondence mentioned above to be proceeded with. Before this information is conveyed to the United States Minister, however, we should get the agreement of interested departments, and this is now being invited.

On the general subject of notification to the Canadian Government of projects being undertaken in Canada by the United States authorities, Mr. Moffat explained that he felt that this was really a question of timing. He did not know whether the Canadian Government should be informed as soon as the idea of a particular project occurred to the United States authorities or whether the information should be withheld until Washington

² For a further notification from Moffat regarding the winter roads, see: Pour un autre avis de Moffat concernant les routes hivernales, voir Moffat to Robertson, 2 November 1942, also in file aussi au dossier 4349-40.

¹ See previous documents./ Voir les documents précédents.

had come to a conclusion as to whether the project was or was not worthy of being proceeded with.

I told Mr. Moffat that I thought that it was very important that we should be informed just as soon as the United States authorities began to discuss any new project in the field. They can think as much as they like in Washington, but the minute the matter becomes a subject of conversation among the American officers in Canada it is bound to become known to the Canadians in the area, and questions are then directed at once to us in Ottawa. Unless we know something about the project this places us in a very embarrassing position. I suggested to Mr. Moffat that he should arrange with Washington to keep him immediately informed of all discussions that are initiated with regard to projects of this kind. He agreed that this was a "completely reasonable" request and promised to ask his Government to meet it in practice. I hope that the result will be that we shall receive advance information of all future propositions of this kind.

[Hugh L. Keenleyside]

561.

Letter from Minister of United States to Assistant Under-Secretary of State for External Affairs

Lettre du ministre des États-Unis au sous-secrétaire d'État adjoint aux Affaires extérieures

LAC/BAC, RG 25, vol. 3108, file/dossier 4349-40

Ottawa, October 23, 1942.

Dear Mr. Keenleyside:

With reference to our talk of October 6th, I take pleasure in quoting the following letter from the Executive Assistant to the Chief of Engineers to Mr. Hickerson:

"Reference is made to your letter² of October 12, 1942, addressed to General Robins, in which you request that an improved procedure be devised whereby advance notice of plans for proposed work in Canada be furnished in order that the Canadian authorities may be apprised of the developments proposed before they are undertaken. Due to General Robins being away I have taken the liberty of acting upon your suggestion.

The Commanding General of the Northwest Service Command has been informed of your request. Any construction contemplated under his jurisdiction will be reported to this office in order that it might in turn be forwarded to your department for use as outlined in the last paragraph of Mr. Moffat's memorandum which you quoted in your letter referred to in paragraph one above."

Sincerely yours,

Pierrepont Moffat

Hugh L. Keenleyside, Esquire,

Assistant Under Secretary of State for External Affairs,
Ottawa.

562.

Letter from Deputy Minister of National Defence for Air to Under-Secretary of State for External Affairs

Lettre du sous-ministre de la Défense nationale pour l'air au sous-secrétaire d'État aux Affaires extérieures

LAC/ BAC, RG 25, vol. 3108, file/ dossier 4349-40

Ottawa, January 19, 1943.

Dear Sir:-

During the past two years the Governments of Canada and the United States have undertaken a number of joint defence projects necessitating major construction programmes, and involving the expenditure of large sums of money. The agreements covering these projects have usually specified whether the construction costs were to be paid for by the United States or Canadian Government. Of the projects to be financed by the United States Government, some have been undertaken with United States materials and labour, whereas others have been carried out by the Department of Transport with funds made available by the Department of National Defence (Air) on the understanding that repayment would later be made by the United States Government.

The procedure followed in initiating new joint defence projects and extensions to already approved projects has never been reduced to a standard formula. At various times, one or other of the following methods has been employed.

(a) By recommendation of the Permanent Joint Board on Defence.

(b) By direct arrangement between Canadian and United States military, naval and air services.

(c) By direct arrangement through diplomatic channels and covered by Exchange of Notes.

The channel through which application for a joint project is made may in itself seem to be of secondary importance. It will be generally agreed, however, that the request should have the sanction of the United States Government, and that formal approval of the project should be given by the Canadian Government before work is commenced or any expenditure is incurred. In granting its approval, due consideration will be given by the Canadian Government to any defence problems that may be involved, to the availability of labour and materials in relation to existing and projected commitments, and to the financial aspects of the agreement.

This Department has frequently been called upon to make available to the Department of Transport, funds for the construction of facilities, such as buildings, to be used by the United States forces. These facilities were considered to be merely extensions of already approved projects, and it was understood that sums advanced would later be recovered from the United States Government. On occasion some difficulty has arisen in deciding whether the facilities requested should properly be regarded as new projects or as additions to approved ones. Furthermore, requests for construction involving large expenditures have sometimes been made to the Department of Transport by the Military and Air Attache of the United States Legation, Ottawa, and his authority to enter into financial commitments on behalf of the United States Government has been questioned.

It has been the understanding of this Department that the following procedure should be followed in dealing with requests for United States-Canada joint construction projects:

(a) *New Projects*—Requests should be made to the Department of External Affairs through Washington, the United States Minister, Ottawa, or the Permanent Joint Board on Defence. Such requests are then referred to the Government Departments concerned and, if necessary, to the Cabinet War Committee and the Chiefs of Staff.

(b) *Extensions of Approved Projects*—When the extension involves further financial outlay, such as for the provision of new buildings, but no new policy, a request from the United States Military and Air Attache, Ottawa to the Department of Transport, or the Department of National Defence (Air) will be acceptable. Such requests will be referred to the Aerodrome Development Committee, which in turn will examine the proposals and, if approved, will request the allotment of funds to be recovered later from the United States Government.

The procedure outlined above would seem to obviate any unnecessary delay in dealing with requests for joint construction projects, while at the same time, ensuring that all projects are properly authorized and that the necessary financial commitments are recorded. An expression of your views on this method of procedure will be appreciated.

One specific point on which doubt has been expressed is the authority of the United States Military and Air Attache to enter into financial undertakings on behalf of the United States Government. It is suggested that this matter might be discussed with the United States Minister and that he be asked to specify the particular officials in his Legation who are authorized to commit the United States Government for extensions to approved projects on repayment.

Yours very truly,

[H.F. Gordon]
per S.L. de Carteret
Deputy Minister.

Under Secretary of State for External Affairs [N.A. Robertson],
Ottawa

563.

Draft Note from Secretary of State for External Affairs to Chargé d'affaires, Legation of United States

Ébauche de note du secrétaire d'État aux Affaires extérieures au chargé d'affaires, légation des États-Unis

LAC/BAC, RG 25, vol. 3108, file/dossier 4349-40

Ottawa, February ,1943.

Sir,

I have the honour to refer to the fact that during the past two years the Governments of Canada and the United States have undertaken a number of joint defence projects, necessitating major construction programmes and involving the expenditure of large sums of money. The agreements covering these projects have usually specified whether the construction costs were to be paid for by the United States or Canadian Government. Of the projects to be financed by the United States Government, some have been undertaken with United States materials and labour, whereas others have been carried out by the Department of Transport with funds made available by the Department of National

Defence (Air) on the understanding that repayment would later be made by the United States Government.

The procedure followed in initiating new joint defence projects and extensions to already approved projects has never been reduced to a standard formula. At various times, one or other of the following methods has been employed:

- (a) By recommendation of the Permanent Joint Board on Defence.
- (b) By direct arrangement between Canadian and United States military, naval and air services.
- (c) By direct arrangement through diplomatic channels and covered by Exchange of Notes.

The channel through which application for a joint project is made may in itself seem to be of secondary importance. It will be agreed, however, that the request should have the sanction of the United States Government and that formal approval of the project should be given by the Canadian Government before work is commenced or any expenditure is incurred. In granting its approval, due consideration will be given by the Canadian Government to any defence problems that may be involved, to the availability of labour and materials in relation to existing and projected commitments, and to the financial aspects of the agreement.

In the light of experience and after careful consideration here, the Canadian Government suggests that the following procedure might be followed in dealing with all requests of this nature for joint construction projects:

- (a) New Projects Requests should be addressed to the Permanent Joint Board on Defence, or, if for any reason this is impracticable, to the Department of External Affairs through the United States Legation in Ottawa.
- (b) Extensions of Approved Projects When the extension involves further financial outlay, such as for the provision of new buildings, but no new policy, a request from the United States Military and Air Attaché, Ottawa, to the Department of Transport or the Department of National Defence (Air) will be acceptable. Such requests will be referred to the Aerodrome Development Committee, which in turn will examine the proposals and, if approved, will request the allotment of funds to be recovered later from the United States Government.

The procedure outlined above would seem to obviate any unnecessary delay in dealing with requests for joint construction projects, while at the same time ensuring that all projects are properly authorized and that the necessary financial commitments are recorded.

If any officer of the United States Legation, other than the Military and Air Attaché, is authorized to commit the United States Government, information to that effect will, I presume, be conveyed officially to this Department.

I shall be very much obliged if you will ascertain whether the procedure proposed above meets with the approval of the United States Government.

Accept, Sir, the renewed assurances of my highest consideration.¹⁴

Secretary of State for External Affairs.

The Chargé d'Affaires,
Legation of the United States of America,
Ottawa, Canada.

564.

Letter from Chargé d'affaires, Legation of United States, to Under-Secretary of State for External Affairs

Lettre du chargé d'affaires, légation des États-Unis, au sous-secrétaire d'État aux Affaires extérieures

LAC/ BAC, RG25, vol. 3108, file/ dossier 4349-40

Ottawa, February 17, 1943.

Dear Mr. Robertson:

In my letter² of February 3, 1943, in reply to yours² of January 21, 1943, regarding the construction of various facilities in Edmonton by the United States authorities, I told you that I was bringing the matter to the attention of Mr. Hickerson in Washington in order that the authorities there might be informed.

I have now received information to the effect that it is planned to discuss this matter during the conferences which are to take place this week in Ottawa between officers of the United States Army and officials of the Canadian Government, as execution of the work in question by the Corps of Engineers will involve a re-negotiation of arrangements with the Canadian Government. I have been informed that no work will be undertaken until a satisfactory understanding has been reached on the requirements of the program and the conduct of the work. I have been told to add that in the event the Corps of Engineers should become actively engaged in this program they will exert every effort to co-operate

² This note was not sent. However, the draft was circulated to relevant Canadian and U.S. government departments, as well as to the PIBD, for comment. The proposed agreement was deemed satisfactory with minor revisions. For original U.S. documents commenting on the proposal, see Cecil V. Henry to John D. Hickerson, 3 March 1943, and Frank Knox to Secretary of State, ca. 15 March 1943. For Canadian consultations, see Keenleyside to the Deputy Ministers of Transport, Mines and Resources, Munitions and Supply; National Defence; National Defence for Air; National Defence, Naval Services, and Labour, 26 March 1943, and their replies. Norman Robertson approved the final version of a marginal note on a memo from Keenleyside, 7 April 1943. All these documents are also in file 4349-40.

Cette note diplomatique ne lui fut pas envoyée. Cependant, l'ébauche fut commentée par les institutions parlementaires des gouvernements canadien et américain, ainsi qu'à la Commission du traitement armée américaine de défense, aux fins de commentaires. L'accord proposé fut jugé satisfaisant avec des révisions mineures. Pour les documents originaux américains commentant la proposition, voir Cecil V. Henry to John D. Hickerson, 3 March 1943, et Frank Knox to Secretary of State, vers le 15 March 1943. Pour les consultations canadiennes, voir Keenleyside aux sous-ministres des Transports, des Mines et Ressources, des Munitions et Approvisionnements, de la Défense nationale, de la Défense nationale pour l'air, de la Défense nationale pour le service naval, et du Travail, 26 March 1943, et leurs réponses. Norman Robertson approuva la version finale dans une note en marge sur une note de Keenleyside, 7 April 1943. Tous ces documents sont aussi au dossier 4349-40.

with the Department of Transport, the Royal Canadian Air Force and any other Canadian agencies having an interest in the matter.

Sincerely yours,

Lewis Clark
Chargé d'Affaires ad interim

Norman A. Robertson, Esquire,
Under Secretary of State for External Affairs,
Ottawa.

565.

Letter from Chargé d'affaires, Legation of United States, to Under-Secretary of State for External Affairs

Lettre du chargé d'affaires, légation des États-Unis, au sous-secrétaire d'État aux Affaires extérieures

LAC/ BAC, RG 25, vol. 3108, file/ dossier 4349-40

Ottawa, February 22, 1943.

Dear Mr. Robertson:

May I refer again to your letter of January 21, 1943, and to my reply of February 3rd, regarding the construction of various facilities at Edmonton by United States authorities. As I told you, I have passed this information on to Mr. Hickerson in Washington in order that the authorities there might be informed.

I have now received from Mr. Hickerson a copy of a letter addressed to him on February 18, 1943, by Major General Guy V. Henry, which states that copies of our correspondence had been transmitted to the War Department which, in turn, had forwarded copies to the Commanding Generals of Northwest Service Command; Army Air Forces; Air Transport Command; Western Defense Command; Eastern Defense Command; Services of Supply; and the Commanding Officers U.S.A.F. Churchill, Manitoba and U.S.A.F. Goose Bay, Labrador, with the following statement:

"This correspondence is furnished for your information with the purpose of insuring that steps are taken to remove any basis for further similar complaint from the Canadian authorities."

I have been asked to assure you that it is the hope of the War Department that the action taken will insure satisfactory conditions in the future.

Sincerely yours,

Lewis Clark
Chargé d'Affaires ad interim

N.A. Robertson, Esquire,
Under-Secretary of State for External Affairs,
Ottawa.

566.

Memorandum by Deputy Chief of Research, Bank of Canada

Note du chef adjoint de la recherche, Banque du Canada

LAC/BAC, RG 25, vol. 5749, file/ dossier 52-B(s)

Copy/ Copie

MEMORANDUM ON TRIP TO NORTHWEST¹⁵

Secret

While in Edmonton on business I met Col. Bush, Chief of Staff of the U.S. Army Northwest Service Command and was offered a trip over the Alcan highway by army bus. I spent one day on the train to Dawson Creek, 60 hours of straight driving from there to Whitehorse with U.S. army personnel and construction workers, one day in Whitehorse, and one day coming out by U.S. army cargo plane. The following notes record information picked up from all sorts of people, and impressions formed during this six days of hasty and somewhat strenuous travel and three days in Edmonton. There is an obvious risk that some of the impressions are superficial and some of the information wrong but I do not think that there can be much doubt about the broad outlines of the picture.

WHAT THE AMERICANS ARE DOING IN THE NORTHWEST

(1) Alcan project

1,670 miles of military road from Dawson Creek, B.C. to Whitehorse, Yukon (over 1,000 miles), to Fairbanks, Alaska. It is equivalent to a road from here to Regina with three mountain ranges thrown in between and with only one intermediate point (Whitehorse) from which, at the beginning, any substantial volume of supplies could be fanned out. The initial phase (no more than a winter road in spots) was pushed through in six months, using about 20,000 men. It approached in length the whole of Alberta's gravelled road system. More gasoline is being used on the Alcan project than in whole of Alberta.

It has thrown a tremendous strain on the N[orthern] A[lberta] R[ail]w[ays]. All N.A.R. Sidings are jammed with freight cars from all over the continent. By the end of the summer the railway yards at the end-of-steel (Dawson Creek) will be the largest in Canada, supplies going from here to the west end of the Canol project as well. Dawson Creek is still growing so rapidly that sometimes carpenters have to work all night long.

(2) Military road, Champagne-Haines to supplement facilities of White Pass and Yukon Rly. from Skagway-Whitehorse. About 200 miles through very rough mountainous country.

(3) Winter roads, Peace River-Hay River, Fort Smith-Norman Wells, Fort Nelson-Fort Simpson, totalling perhaps 1,600 miles in all, for purpose of supplying Mackenzie air bases and Canol project.

(4) Canitel project, a four strand telephone line, 1,670 miles from Dawson Creek to Fairbanks.

(5) Canol project, a 4-inch oil pipe-line with capacity for 6,000 barrels a day from Norman Wells to Whitehorse. Its length is probably around 500 miles though the terrain is partly unexplored as yet and said to be very difficult. A tote road had been pushed 70 miles northeast from the west end at Lake Teslin when I was there but I believe no pipe had yet gone in and understand relatively little progress had been made from the Norman end.

¹⁵ Marginal note: Note marginale :

Mr Robertson[:] This is Beattie's Report. The annotations are mine though written in, for sake of clarity, by Miss Bridge. H.L. K[eenleyside]

However, Canol trucks were in evidence everywhere along the Alaska Road. At the end of March production at Norman Wells had been got up to 3,000 barrels a day. There seemed to be considerable doubt as to the adequacy of the reserves of that particular field.

(6) Gas pipelines. 2 inches, Skagway-Whitehorse, Fairbanks-Whitehorse-Watson Lake, covering about 1,100 miles in all.

(7) Oil Prospecting. The special regulations with respect to oil prospecting and drilling announced in P.C. 742 of Jan. 28, 1943,¹⁶ now apply to the whole of the Mackenzie valley east for 75 miles and west to the Yukon boundary. I understand that one of the ablest of the Standard Oil directors (Wallace Pratt) had been put in charge of their prospecting in this area and men, particularly from Standard Oil of California, are pouring in as rapidly as they can get priorities on in-going planes.

(8) Airfields. The fact that Canada built the Northwest Airway is rarely mentioned or perhaps even realized in that country. In part the reason may be that American hangars, repair shops and living quarters now overshadow Canadian installations at Edmonton, Fort St. John, Whitehorse, etc.

On the Mackenzie route I believe the Americans have made substantial additions to the existing fields at Waterways, Fort Smith, Fort Simpson and Norman Wells. I understand that they propose to construct new airfields, or greatly enlarge existing fields, farther north at Fort Good Hope, Fort McPherson and Aklavik, and possibly at Fort Wrigley. They are also considering a base at Herschel. I heard from a reliable source that they were sending in 3,000 men to work on these projects this summer.¹⁷

I am pretty sure the Americans have not yet decided whether the Mackenzie Airway or the Northwest Airway is the better route to the Far East and, characteristically, are developing both.¹⁸

(9) Radio and Meteorological Service. They appear to be going ahead with at least one station in the central N.W.T. east of Great Bear Lake, and several on the west coast of Hudson Bay. I hope soon to have a map showing where these are planned and showing other points with respect to which inquiries have been made.¹⁹

(10) Hospital. I heard that plans for the military hospital in Edmonton, originally for 250 beds, had been enlarged to 1,000 beds. A U.S. army cemetery is also planned for Edmonton.

It is extraordinarily difficult to form any over-all estimate of the manpower or the dollar cost of these projects. I imagine very few people even in the Army at Washington know. Based on what information I could get, however, I would guess that there might be 50,000-75,000 Americans in Edmonton and the Northwest this summer,²⁰ and that the total cost of the projects mentioned above might run well over \$500 million. This figure is, of course, greatly inflated by the fantastically high wages paid, (see appendix†) and various other

¹⁶ *Canada Gazette*, 13 February 1943, pp. 603-609.

¹⁷ Marginal note:/ Note marginale :

This has not yet received Canadian approval. [H.L. Keenleyside]

¹⁸ Marginal note:/ Note marginale :

They have definitely asked for both on the assumption that both will be needed and used for war purposes. [H.L. Keenleyside]

¹⁹ Marginal note:/ Note marginale :

This is a large programme which has been concerted with the Canadian authorities. All U.S. installations are known and approved. [H.L. Keenleyside]

²⁰ Marginal note:/ Note marginale :

46,000 civilians[:] ? military. [H.L. Keenleyside]

forms of waste which the necessity for speed has involved, and much of it is spent on materials and equipment in the United States or goes back to the States in the form of saving. However, even in physical terms this capital development is equivalent to perhaps 1.4 of the whole of Canada's wartime capital expansion. Moreover the men and resources have been poured into a region with a population of only a few thousand before the war and with probably not more than 10,000 Canadians now. Canadian government expenditure in this region, other than for the benefit of Indians, is of the order of \$5 million a year (plus \$5 mm on the Prince Rupert-Cedarvale road). So far as Canada is concerned the Northwest is today in many respects a foreign country.

WHAT CANADIANS ARE NOT DOING IN THE NORTHWEST

No realistic person would suggest that Canadians could have undertaken all the American projects on their own. The requirements for equipment and manpower are too great. Practical considerations of continuing sovereignty would seem to indicate that we would be justified in diverting from our direct war effort a good deal more than the population ratio of one twelfth as much manpower and resources as the Americans, for any necessary work in connection with the security and development of the Northwest. Except in the case of air transport, however, it might be possible to argue that Canada is adequately represented from a numerical point of view. The most serious lack appears to be at what might be called the managerial level. I do not know the extent of our participation at Washington on matters of major policy, but the Americans in charge in Edmonton and the Northwest seem to be given, or at any rate to exercise, a substantial degree of local autonomy. Taken over a period, the decisions they make, or the influence which they have on decisions made in Washington is extremely important. Yet there seems to be virtually no contact between the Canadian government and the top-rank Americans on the spot.

It is interesting to note that the war estimates for 1943-4 include \$10,000 for "expense of liaison officers in connection with the Alcan and Canol projects." Infrequent, and short, visits by "liaison men" from Ottawa to the Northwest Service Command headquarters in Edmonton had left no visible impression on the general staff when I was there. Staff people did not know the top departmental officials in Ottawa even by name, let alone how they or the government were thinking on matters of common interest. There is a fairly common impression that the Canadian government is deliberately remaining aloof from all the projects, that it is waiting until the Americans have been pushed to the limit of what they will do before Canada enters the picture to the point where she has to assume responsibilities and make commitments.

At the moment the Alcan highway is probably not much more than half finished even on its minimum basis. No one can tell until after the spring break-up how much of the road will have to be replaced and how many of the small bridges will have to be of steel.

More important, it seems very likely that the ultimate character of the road in terms of width and character of surface has not yet been decided. I suspect its original purpose was

²¹ Marginal note: Note marginale :

Depends on what you include. Figures given above include U.S. personnel in Edmonton. [H.L. Keenleyside]

²² Marginal note: Note marginale :

This situation is now pretty well straightened out. Local commanders are learning to wait for approval from Washington and Ottawa. See my memo. [H.L. Keenleyside]

The memo is printed in: *Le mémoire est imprimé dans DCER - DRREC*, vol. 9, doc. 1255.

²³ Marginal note: Note marginale :

Liaison officers are on the spot. They don't go out from Ottawa. See memo. [H.L. Keenleyside]

to bluff the Japs and to supply the Northwest Airway bases,²⁴ with the heavy freight to Alaska to go in by rail north from Prince George.²⁵ However, it is possible that the railway project will never be undertaken, and that the highway will be developed into a major land connection with Alaska. The plans will no doubt depend in part upon what kind of rail and road facilities they can expect Canada to supply, or leave them to supply, between the U.S. border and Dawson Creek.

The internal economy of the [region?] is also in a state of constant flux. While I was in Edmonton certain Canadian contractors working on the Alcan project were told to hold up their commitments for men, materials, etc., the presumption being that more of the work was going to be allocated to American contractors, or that the scale of some parts of the project was going to be reduced.

Even the day-to-day decisions made by the staff of projects costing over half a billion dollars are likely to have a considerable bearing on Canadian interests. The major decisions being made by that staff will vitally affect the overhead cost and the character of Northwestern development after the war. If Canada has a serious interest in that development it should clearly have first-class representation on the staff of the Northwest Service Command.²⁶

The same lack of contact seems to exist with respect to Northwestern oil development. It is possible that the Mackenzie area may be the next oil field of world standing to be opened up, in which case its importance to Canada is obvious. If, on the other hand, it turns out to be only a small field, the allocation of output between the Canadian Northwest and Alaska might become a very delicate problem. In any case there is probably more prospecting (actual or projected) in that region than in any other part of the world today.²⁷ All this activity must funnel through Edmonton, but the Department concerned, viz., Mines & Resources, has not even got a full time representative in that city.

L.E. Drummond, secretary of the privately financed Alberta Chamber of Mines, acts as an unofficial liaison officer. His office is a tiny cubbyhole at the back of the local Tourist Bureau and Housing Registry Office. Although he appeared to be an able man, his private interests must frequently place him in an anomalous position, and he is often embarrassed by lack of knowledge of government policy. He said that the American prospectors who had come to see him (for help in getting airplane priorities) had obviously felt they were getting a particularly good deal from the Canadian government under the new regulations. Drummond had a copy of the regulations, but he did not know what considerations of government policy lay behind them, or what catches, if any, they contained.

The history of Standard Oil activities in other countries and their present enthusiasm over superficially unattractive arrangements, make it seem only prudent for the government to keep in very close touch with their people in Edmonton and the Mackenzie Valley.²⁸ It would probably not be an easy contact to establish or maintain for the interests of the private operators would usually be to keep out of the government's sight.

²⁴ Marginal note:/ Note marginale :

This was the reason given for its construction. It is the real reason. [H.L. Keenleyside]

²⁵ Marginal note:/ Note marginale :

No, by ship to Seward. [H.L. Keenleyside]

²⁶ Marginal note:/ Note marginale :

This is not necessary if Canada is consulted before plans are initiated. [H.L. Keenleyside]

²⁷ Marginal note:/ Note marginale :

The control of the Can. Gov't over the results is what counts — and we have that [H.L. Keenleyside]

²⁸ Marginal note:/ Note marginale :

Very true. [H.L. Keenleyside]

Apart from the question of oil, the magnitude of the area over which American transportation projects now make intensive mineral exploration possible, would seem to justify strong Department of Mines & Resources representation in Edmonton.

Perhaps the most depressing aspect of the Northwestern situation concerns air transport. According to a reliable authority, American personnel and planes in operation in the Northwest outnumber Canadian 20 to 1 and the preponderance in terms of hangars and other ground installations is heavy. Part of the numerical superiority arises from the large number of fighters being ferried to Alaska where they are picked up by Russians. However, an increasing majority of the local traffic is being handled by U.S. army planes and by private U.S. companies such as Northwestern Airlines and Pan-American, who work under contract for the army.

Canadian Pacific Airlines (the only Canadian representative in the area apart from a few R.C.A.F. planes) are said to be doing a good job with what they have, and judging from the C.P.A. people I met I believe this is true. They have still got within their organization most of the men who pioneered northern flying on this continent. In fact I believe that as a result of the recent consolidation they are, if anything, over-staffed in relation to their equipment. Much of this is obsolete or grounded for lack of repair parts, on which C.P.A. claims it cannot get high priorities. Through the efforts of the U.S. army they recently got six new Lodestars, but say that they cannot get any effective help from the Canadian government in matters of this kind. Rightly or wrongly they feel that the policy of the Department of Transport is one of hostility or at any rate passive resistance.²⁹

To the extent that this is true and that C.P.A. have fewer planes in the air than they could otherwise have, or fall down on their schedules, it means that the U.S. army or private lines³³ have to bring in more planes to fill the gap.

The extent to which C.P.A. management and personnel believe this, even if it is not basically true, is important. They also feel that when any line has been developed to a profitable basis it will be taken over by T.C.A. In the circumstances the temptation to give up what they consider to be an unequal struggle and drift into the employ of American lines, at much higher rates of pay, must be strong. As an example of American pilots' salaries a Department of Transport man told me of a farm lad he helped teach to fly last summer who earned \$1,200 a month during the winter working for an American line, and is getting a retainer of \$400 a month for the two months he is on the farm this spring.

The Department of Transport representatives in Edmonton are scattered through several buildings. They see very little of one another's work and seem to have small opportunity to keep in touch with, or influence, Ottawa. They have not much authority and realize they

²⁹ Marginal note: Note marginale :

Serious and useful steps have been taken to assist prospectors - and the Dept. itself is doing a grand deal. The geological surveys have been maintained better than any other part of the scientific work of the Dept. [H.L. Keenleyside]

Marginal note: Note marginale :

There are no "private U.S. Companies" - they have all been taken over by the Army and do not use their corporate names. [H.L. Keenleyside]

Marginal note: Note marginale :

No other private line on the continent (except Pan-Am.) including T.C.A. has been given any such priority for two years past. [H.L. Keenleyside]

Marginal note: Note marginale :

This I believe to be nonsense. And I don't think C.P.A. believe it either. [H.L. Keenleyside]

³³ Marginal note: Note marginale :

There are no private lines. [H.L. Keenleyside]

are not equipped to deal with the high-powered invasion which is taking place. Privately, they deplore the destructive struggle between TCA and CPA.³⁴ They recognize the danger of harrying the latter until some positive alternative is available to fill the gap that is now being created in the North (and, I think, doubt whether TCA management has the kind of experience or temperament needed for the job). They are alarmed at the known ambitions and aggressiveness of the American private lines operating in the North under the army's wing, and by the volume of American work that has been done or is planned on landing fields, hangars, radio and meteorological facilities, etc. There is fear that Americans will never, in fact, relinquish their present control of air transport in the area.³⁵ Despite the pioneer work that Canadian pilots have done in the specialized field of Northern flying, we shall, if the present situation continues, be greatly outnumbered in the matter of experienced northern fliers at the end of the war.³⁶ There is some resentment that American army fliers and draft dodgers working for private U.S. lines should be getting almost all of this valuable experience while the corresponding Canadians are flying overseas.

As knowledge of what is going on in the Northwest becomes more widespread throughout Canada the feeling that "the Americans are developing our country while we are fighting the war" might become or might be made into an important political issue.

These notes have stressed the lack of representation in the Northwest and as such have been concerned with symptoms rather than cause. First-class Canadian representation could do much to improve the situation.³⁷ It would help to convince the Americans that Canada has a practical interest in the Northwest, that she is taking agreements with respect to post-war ownership and control of war projects at their face value, and that she is seriously preparing to discharge her responsibilities in that respect. In this way it would increase our chances of regaining effective control of the region after the war. It would also help to make the region more worthwhile getting back, if wartime decisions can, whenever possible, be made in the light of the long-term economic welfare of the region and of Canada as a whole.

Obviously, however, such representation will have much less than optimum usefulness until we have worked out a positive and coherent policy for the Northwest.³⁸ One would suspect that lack of such a policy has been one of the fundamental reasons why the government has neglected to provide or has even avoided adequate liaison with the Americans. There would seem to be no time to lose in getting together a group of men who can work out a rational program and an organization which can translate it into practice.

³⁴ Marginal note:/ Note marginale :

There is no such struggle at present. T.C.A. does not operate beyond Edmonton and does not now want to. The C.P.A. has expanded tremendously in the last three years and has a complete monopoly of private service in the Canadian Northwest. They are complaining because they want to build up a case for the future. [H.L. Keenleyside]

³⁵ Marginal note:/ Note marginale :

This is all covered by formal, detailed inter-governmental agreements. [H.L. Keenleyside]

³⁶ Marginal note:/ Note marginale :

This is important. [H.L. Keenleyside]

³⁷ Marginal note:/ Note marginale :

[A]greed. [H.L. Keenleyside]

³⁸ Marginal notes:/ Notes marginales :

I don't know what this means. Does it refer to transport alone? or does it include immigration? agriculture? Indian affairs? trade? exploration? The general scene is being studied under the aegis of the Joint Economic Committees. [H.L. Keenleyside]

The present activities in the Northwest should be judged by one standard - their usefulness in the war. If, in addition, they can be given long-term values, that is so much velvet. [H.L. Keenleyside]

Such a program would presumably have to balance the economic costs to the rest of the country against the welfare of the inhabitants of the North and Canada's broad strategic interests. It would include for example:—

(1) decision as to major air routes and construction of necessary supply lines by land and water.³⁹

(2) systematic but rapid exploration of oil and mineral resources.⁴⁰

(3) search for and development of staple industries (other than through transportation) which are based on renewable rather than exhaustible resources and which could underpin the economy of the native population.⁴¹

(4) development of ancillary industries designed to meet local needs such as agriculture, lumbering etc.⁴²

(5) decision as to whether or not it is desirable from a Canadian point of view to develop and maintain Alcan as a tourist highway, and develop local handicrafts on an export basis, in the light of what will probably be heavy costs.⁴³

Unless we are fortunate the real and financial cost of developing the Northwest will be high. That is one of the reasons why it is important to get in on decisions being made now by Americans which will have a major bearing on the overhead costs of operating the Northwest after the war. If, however, the detailed plans were ready in time, a large part of the developmental work might be carried out with labour which would otherwise be unused in the immediate post-war period. This development might provide employment when it was most badly needed, of a type which would not involve much scarce materials or equipment. Because of the remoteness of the projects, most of the wages disbursed would have to be saved and the expenditures would consequently have a relatively small inflationary effect at a time when inflation in some parts of the economy would be a serious danger.

I understand that up to 1930 the Department of Mines and Resources (or Interior), was doing useful research work on Arctic problems, by then existing standards, but has never recovered from the setback suffered in the early thirties.⁴⁴ Original research has remained at a trickle in Canada. Judging by results, it is doubtful if the Department has even made an adequate study of the tremendous volume of Arctic research, experiment and development that has taken place in Russia in the last couple of decades.

I have no idea how much work American government and private agencies as a whole are doing in this field but it may be worth noting one straw in the wind which I have happened to hear about. The U.S. Army Air Corps has set up an Arctic Information and Research Centre under a first-rate geographer, Dr. L.M. Gould. He now has 20 people working for him and can travel anywhere in the Arctic, when he wishes, by army plane. It

³⁹ Marginal note:/ Note marginale :

This is pretty well known now. [H.L. Keenleyside]

⁴⁰ Marginal note:/ Note marginale :

Being done now — by Gov't itself and by aid to prospectors. [H.L. Keenleyside]

⁴¹ Marginal note:/ Note marginale :

Joint Economic Committees[,] Northwest Territories Council — both working in this. [H.L. Keenleyside]

⁴² Marginal note:/ Note marginale :

J.E.C. [H.L. Keenleyside]

⁴³ Marginal note:/ Note marginale :

J.E.C. [H.L. Keenleyside]

⁴⁴ Marginal note:/ Note marginale :

Very true. We are now trying to get things started again. [H.L. Keenleyside]

would seem that the U.S. Army Air Corps is taking a more practical interest in that region than the Canadian government at the present time.

From such personal contact as I had with them on the spot, it is certain that the Americans in the Northwest are no supermen. In carrying out projects I should think they are definitely inferior to Canadian engineers and workmen. Privately they will admit mistakes of a kind and magnitude which are almost unbelievable. But they are not afraid to set bold objectives and if one method bogs down they keep trying others until they find one that works. This is the spirit in which Canada has tackled most aspects of her war effort. My own feeling is that unless she can approach the development of the North in the same spirit she will never regain effective control of that region, nor will she deserve to.⁴⁵

[J.R. Beattie]

[Ottawa,] April 12th, 1943.

567.

Memorandum by Assistant Under-Secretary of State for External Affairs
Note du sous-secrétaire d'État adjoint aux Affaires extérieures
LAC/ BAC, RG 25, vol. 3108, file/ dossier 4349-40

[Ottawa,] April 28, 1943.

Memorandum for the File

COLONEL D.V. GAFFNEY

This morning I had a call from Colonel Ervin, United States Assistant Military Attaché for Air, who was accompanied by Colonel D.V. Gaffney, Commanding Officer Alaskan Wing, Air Transport Command, United States Army Air Forces. Colonel Gaffney is taking over command of the United States air transport work in Northwestern Canada and Alaska and will have his headquarters in Edmonton.

In reply to a question, Colonel Gaffney said that he had made a careful study of the past relations of the United States Army Air Forces in Northwest Canada and the Canadian

⁴⁵ Marginal note/ Note marginale :

In general, I think that this is a very sound appraisal – though I would change details and modify phrasing in places as indicated.

I find it difficult to match your faith in the efficacy of governmental planning as a solution of Northwestern problems. I do agree that planning should be undertaken on a larger scale and with greater urgency than has so far been the case, but no amount of blueprinting is going to make the Northwest anything but a "frontier" for a long time to come. We cannot force people to live there nor can we assume with confidence that the economy of the region can be so developed as to lure immigrants either from the more settled parts of this continent or from overseas. This is being studied, however, by the Northwest Regional Project under the auspices of the Joint Economic Committees of Canada and the United States.

The Northwest Territories Council and the Dept. of Mines and Resources should certainly be doing more than they are now able to do with their present budgets. An effort is being made to act on this belief, by the preparation of a programme that can be "sold" to the Gov't. I enclose a copy of a letter† urging such a development which I wrote to Dr. Camsell three or four months ago. This letter was not sent, but the substance of it has been urged orally and I have hopes that results will accrue. I enclose also a copy of a memo† on the Northwest which I prepared a few days ago. Please treat both documents as confidential.

I am very glad to have had your memo. It should be a real help in bringing the problem more effectively before the responsible people here. [H.L. Keenleyside]

authorities, and he had come to the conclusion that the difficulties that had been experienced had been due to the impetuosity and lack of judgment on the part of United States air officers. He believed that excellent co-operation had been received from the Canadian authorities on the spot and in Ottawa, and the only suggestion that he would make in connection with the Canadian setup was that it would be helpful if the Canadian representatives in the Northwest had somewhat more clearly defined areas of responsibility and decision. Colonel Gaffney said that he had had a number of talks in Ottawa with Department of Transport and Air officials and he was confident that from now on everything would run very smoothly in the Northwest. He said that there would be no more cases of action being initiated by the United States Forces without prior reference to and approval by the appropriate Canadian authorities.

Colonel Gaffney impressed me as being competent and sincere. I think that he is going to make a real effort to live up to the promise recorded above. He seems to have a good deal of common sense and to understand the Canadian point of view in regard to activities carried on by United States Forces in Canadian territory. On the whole I was very favourably impressed and I believe that we may expect greater co-operation from the Americans in the future than we have had on certain occasions in the past.

While I was unable to go into details, I told Colonel Gaffney and Colonel Ervin that we are considering plans which will result in a more adequate representation of Canada in the Northwest and, in particular, in a more clearly defined area of responsibility for Canadian representatives there.

Colonel Gaffney informed me that, although the Low Level Route idea had been abandoned as an immediate project, he had received assurances from Mr. McLean of the Department of Transport that officers of that Department would continue to examine the possibilities of the route and to plot out a programme which might later on be translated into action.

H.L. K[eenleyside]

568.

Letter from Chargé d'affaires, Legation of United States, to Assistant Under-Secretary of State for External Affairs

Lettre du chargé d'affaires, légation des États-Unis, au sous-secrétaire d'État adjoint aux Affaires extérieures

LAC/BAC, RG 25, vol. 3108, file/dossier 4349-40

Ottawa, May 8, 1943.

Dear Mr. Keenleyside:

I am enclosing a copy of an extract from Circular No. 108 of the United States War Department, defining the responsibility for Army Air Forces construction in the North American theater which, if you have not received from other sources, may be of interest to you.

Sincerely yours,

Lewis Clark
Chargé d'Affaires a.i.

Hugh L. Keenleyside, Esquire,
Assistant Under Secretary of State for External Affairs,
Ottawa.

Enclosure: Extract from Circular Letter of United States War Department
Pièce jointe : Extrait d'une lettre circulaire du ministère de la Guerre des États-Unis

Washington, April 23, 1943.

No. 108

II. Responsibility for Army Air Forces construction, North American theater.

1. Provisions of Circular No. 58, War Department, 1943, are extended to include all parts of the Dominion of Canada, Baffin Island, and Labrador, so far as construction of Army Air Forces projects and real estate matters pertaining thereto are concerned.

2. The Chief of Engineers will assume administration of all construction contracts now in force with the several contractors and/ or Canadian governmental agencies, and in connection with future work will honor the arrangements or agreements heretofore in effect between the Army Air Forces and the Canadian governmental agencies.

3. All new Army Air Forces projects and major expansions of existing projects in the above areas will be submitted to the Assistant Chief of Staff, Operations Division, War Department General Staff, who, after securing the necessary clearance with the Canadian Government through the Permanent Joint Board on Defense, Canada-United States, or other channels, will forward approved projects to the Commanding General, Army Service Forces, for execution, and will advise the Commanding General, Army Air Forces, of action taken.

4. After approval of a new project or major expansion is obtained as indicated above, it will be additionally necessary that approval of minor augmentations and details such as sites and types of buildings be obtained from the Canadian Government by the Chief of Engineers through [the] appropriate agency with advice to the senior Army member of the Permanent Joint Board on Defense, Canada-United States.

By Order of The Secretary of War:

G.C. Marshall

Chief of Staff

569.

Letter from Chargé d'affaires, Legation of United States, to Assistant Under-Secretary of State for External Affairs

Lettre du chargé d'affaires, légation des États-Unis, au sous-secrétaire d'État adjoint aux Affaires extérieures

LAC/BAC, RG 25, vol. 3108, file/ dossier 4349-40

Ottawa, June 1, 1943.

Dear Hugh:

As promised, I am enclosing a copy of the memorandum of our informal meeting in your office on May 27th, 1943, regarding clearance of United States military projects in Canada.

Yours sincerely,

Lewis Clark

Hugh Keenleyside, Esquire,

Assistant Under-Secretary of State for External Affairs,

Ottawa.

Enclosure: Memorandum by Chargé d'affaires, Legation of United States
Pièce jointe : Note du chargé d'affaires, légation des États-Unis
Copy/ Copie

Ottawa, May 27, 1943.

MEMORANDUM OF AN INFORMAL CONFERENCE ON
UNITED STATES MILITARY PROJECTS IN CANADA.

I attended an informal meeting this afternoon which had been called at the request of Commander Edwards and which was attended by Colonel Graling, United States Military Attaché; Commander C.P. Edwards, Deputy Minister of Transport; Mr. A.D. McLean, Controller of Civil Aviation in the Department of Transport; and Mr. Hugh Keenleyside, Assistant Under Secretary of State for External Affairs. We went over the question of clearance of projects in the west, Commander Edwards pointing out some of the difficulties encountered in his Department in connection with financing some of our projects.

After considerable discussion it was decided that in interpreting the instructions of the Permanent Joint Board on Defence and those issued to Brigadier W.W. Foster,⁴⁶ the following procedure would be followed:

- (1) New projects or important modifications of previously approved projects will, as directed, be cleared through the Permanent Joint Board on Defence or through the State Department and External Affairs.
- (2) Minor additions or alterations which can be approved by the United States Division Engineer in the field and which require an expenditure of funds by the Canadians, either for their own account or for eventual repayment by the United States, will, after discussion with Brigadier Foster, be cleared through the office of the Military Attaché of the Legation with the Department of Transport, copies being sent to Mr. Keenleyside in External Affairs, and to Mr. Hickerson in the Department of State.
- (3) Minor modifications and alterations which can be approved by the United States Division Engineer in the field and which do not require the expenditure of funds by the Canadian Government will be cleared with Brigadier Foster and copies of the correspondence will be sent to the Military Attaché of the Legation, to Mr. Keenleyside and to Mr. Hickerson.

If this procedure results in cluttering up the files of Mr. Keenleyside or Mr. Hickerson, their wishes will be respected with regard to a continuance of the practice of supplying copies to them.

It was agreed that detailed plans, including locations for new projects or for important modifications of previously approved projects, need not necessarily be provided at the time the American request is considered by the War Committee of the Cabinet, but that such detailed plans and locations will be supplied as soon as available and in every case prior to the beginning of any construction. It would be quite appropriate for these plans to reach the Canadian Government via the Military Attaché's office of the Legation and the Department of Transport.

(The above has been shown to Mr. Keenleyside who agrees that it sets forth the understandings reached at the meeting.)⁴⁷

[Lewis Clark]

⁴⁶ DCER/ DRREC, vol. 9, doc. 1261.

⁴⁷ External Affairs continued to keep a close check on US activities related to the Canol Project./ Les Affaires extérieures continuèrent à maintenir une surveillance étroite sur les activités américaines liées au projet Canol. See/ Voir LAC/ BAC, RG 25, vol. 4154, file/ dossier 463-N-1-40.

570.

Letter from Deputy Commissioner of Northwest Territories to Commissioner, Royal Canadian Mounted Police

Lettre du commissaire adjoint des Territoires du Nord-Ouest au commissaire, Royale gendarmerie à cheval du Canada

LAC/ BAC, RG 18, vol. 3757, file/ dossier G-516-37

Ottawa, January 27, 1944.

Brigadier S.T. Wood,

Commissioner, Royal Canadian Mounted Police,
Ottawa.

No doubt you read in last night's *Citizen* a despatch from the *Southam Papers* Washington correspondent, R.T. Bowman,⁴⁸ commenting on Arctic sovereignty.

In this connection I may say that this subject has been on the agenda of the Northwest Territories Council since the time of the late Dr. Skelton. It was planned to have all the information on the subject reviewed by the Department of External Affairs and an up-to-date statement prepared so that the Northwest Territories Council could consider whether any further steps were necessary to strengthen Canada's position.

Dr. Keenleyside, the present representative of the Department of External Affairs on the Northwest Territories Council, who has given some thought to this matter, is at present absent in Newfoundland, but I have been in touch with Mr. J.E. Read, Legal Adviser of that Department, and he has been good enough to say that he will initiate whatever action is necessary so that all the facts bearing on the matter may be available for consideration of the Northwest Territories Council at the earliest possible date. As you know, we have been taking the position that during wartime the Canadian Government would not be expected to maintain police posts at remote points like Ellesmere Island which were not directly related to war activities. However, I think we should consider whether it might not be possible to extend the police patrols, possibly using the St. Roch or the aeroplanes of the R.C.A.F., if this is feasible.

I think you will find on your files copies of the various memoranda which have been considered by the Northwest Territories Council from time to time. In case you need a copy of Mr. T.L. Cory's report⁴⁹ of 1936 will you please let me know and it will be sent over promptly.

R.A. Gibson,
Deputy Commissioner.

⁴⁸ "Boundary Question in Civil Aviation Plans," *Ottawa Citizen*, 26 January 1944, p. 2.

⁴⁹ Doc. 541.

571.

Letter from Commissioner, Royal Canadian Mounted Police, to Minister of Justice
Lettre du commissaire, Royale gendarmerie à cheval du Canada, au ministre de la
Justice

LAC/BAC, RG 18, vol. 3757, file/ dossier G-516-37

Ottawa, June 22nd 1944.

Dear Mr St Laurent,

1. The question of sovereignty over islands lying north of the Canadian mainland has been a matter of concern to the North West Territories Council, in view of plans for post-war aviation. Apparently, jurisdiction in the form of occupation is the only sure method of claim to some of these islands. However, as the re-establishment of Police Posts on Ellesmere Island and Devon Island is not possible during hostilities, it is proposed, subject to your approval, that the Police Schooner "St Roch" - Master, Staff Sergeant Larsen - with a total crew of about eleven, suitably outfitted for wintering in the Arctic, sail from Halifax about the first week in July, calling at Pangnirtung, Baffin Island; calling and leaving records at:-

Craig Harbour, Ellesmere Island,

Dundas Harbour, Devon Island,

and passing through Lancaster Sound, will endeavour to reach Winter Harbour, on Melville Island; calling and leaving records at:-

Cornwallis and Bathurst Islands.

2. I attach a map† showing the proposed route in blue of the Schooner "St Roch." It also shows the route taken by this vessel when making the North West Passage from West to East in 1941-43 [1940-1942] in red.

3. If necessary, the "St Roch" will winter at Winter Harbour, and dog sled patrols will visit, during the coming winter, all islands within a radius of 200 miles. If ice conditions are favourable, however, the "St Roch" will endeavour to come through Prince of Wales Strait to Bering Sea and report at Herschel Island for further instructions.

4. The proposed sea route, involving the North West Passage, is the natural one, if successful.

5. Whether the "St Roch" is forced to winter at Melville Island or in the vicinity of Banks Island, the winter patrols and visits to natives in those areas will be beneficial.

6. The "St Roch" is equipped with wireless, has just been re-engined, which gives her more power, and is, therefore, in better condition than ever before to make such a voyage. Among the crew are several experienced members who have served long years in the Arctic, and are, therefore, able to take care of themselves under all conditions.

7. With your approval, I would like to leave for Halifax on the 3rd of July to inspect the vessel and crew before they sail; and whilst in the East, carry out an inspection of the Eastern Divisions of the Force in the Maritimes and Quebec.⁵⁰

Yours faithfully,

S.T. Wood
Commissioner.

The Honourable Louis S. St Laurent, K.C., M.P.,
Minister of Justice,
Ottawa, Ontario.

572.
Report for Department of External Affairs by Dean of Law, Dalhousie University
Rapport à l'intention du ministère des Affaires extérieures du doyen de la Faculté de
droit, Université Dalhousie
LAC/ BAC, RG 25, vol. 4253, file/ dossier 9057-40
Copy/ Copie

CANADIAN SOVEREIGNTY IN THE ARCTIC

Secret

PREFACE

This memorandum has been compiled from the materials contained in a memorandum prepared by the Department of External Affairs entitled "Legal Aspects of Sovereignty in the Canadian Arctic"⁵¹ and a lengthy document prepared by the Department of Mines and Resources, entitled "Factual Record Supporting Canadian Sovereignty in the Arctic" (hereinafter referred to as the "Factual Record" or "F.R.").⁵²

The compilation of this memorandum, however, has led to the consideration by the undersigned of authorities additional to those cited in the previous memorandum on Legal Aspects; and to the revision and amplification of certain parts of the original Factual Record. In effect the present Memorandum takes the form of a presentation of Canada's legal claim to sovereignty with summaries of, and cross-references to, the matters of fact set forth in the various chapters of the Factual Record, which thus constitutes an Appendix to the legal "Case."

⁵⁰ Marginal note:/ Note marginale :
Approved. Louis St. Laurent

⁵¹ E.R. Hopkins, "Legal Aspects of Sovereignty in the Canadian Arctic," 22 January 1949, LAC/ BAC, RG 25, vol. 4253, file/ dossier 9057-40.

⁵² Department of Mines and Resources, *Factual Record Supporting Canadian Sovereignty in the Arctic* (1949), copy in Jules Léger Library, Global Affairs Canada/ copie à la bibliothèque Jules-Léger, Affaires mondiales Canada.

It may be well to record the fact that, though so largely based on the research of the Government Departments concerned, this Memorandum was prepared by the undersigned without interference, and with the simple instruction to present the Canadian case "in its most effective and persuasive form."⁵³

[Vincent C. MacDonald]

[Halifax, January 1950]

INTRODUCTION

The main purpose of this memorandum is to stress those considerations of law and fact which relate to sovereignty over the Canadian Arctic as a whole and as forming part of the territorial possessions of Canada as a State. Incidental mention will be made of other considerations relevant to the purpose of asserting or repelling claims as to particular areas included in or forming units of the Canadian Arctic, e.g. claims to a particular island on the basis of discovery and/or occupation. But the mention of such particular considerations, or of matters concerning particular areas, should not be taken as exhaustive of Canada's claim in respect thereof, any more than the failure to make such mention should be taken as suggesting that there should be an abandonment of claim thereto upon whatever grounds may appear appropriate.

In short the main purpose is, to examine the claim of Canadian Sovereignty to the Arctic in the light of certain great principles of International Law, and to discuss certain other principles – real or assumed – which may also be relevant to that claim.

The Canadian Arctic

Briefly put the claim here examined is that Canada has a demonstrable claim to territorial sovereignty in respect of the land areas, and marginal waters, included in the zone situated north of the Arctic Circle (i.e. the parallel of 66° 30' North Latitude) lying between 60° and 141° West Longitude (with the exception of the portion of Greenland, and its Territorial Waters, which lie to the West of 60° West Longitude) up to the North Pole.

This zone (hereinafter called the Canadian Arctic) thus includes that part of the Canadian Mainland, and the whole of the Arctic Archipelago, lying north of the Arctic Circle. In terms of Canadian administration the mainland portion falls within the Yukon Territory administered under the Yukon Act of Canada; and the Districts of MacKenzie and Keewatin to the East; whilst the Canadian Arctic Archipelago (including the Boothia and Melville Peninsulas) falls within the District of Franklin, which together with the Districts of MacKenzie and Keewatin comprise the present residue of the former Northwest Territories and are administered under the Northwest Territories Act of Canada.(1) Accordingly it is the Archipelago area to which the ensuing examination is chiefly directed; for Canada's claim to her own mainland is, of course, incontestable.

Various physical characteristics of the Canadian Arctic are indicated in Ch. 2 of the Factual Record (cited herein as F.R.) but it may be useful to describe the Archipelago briefly in terms of geography. In general, (as presently known) it extends from the mainland in a great triangle with Ellesmere Island as its apex. It contains a great number of islands, of which 17 exceed 1,000 square miles in area and 40 exceed 100 square miles. The chief islands are Baffin (201,600 square miles), Victoria (80,000 square miles), and

⁵³ See: Voir Keenleyside to MacDonald, 5 July 1949, LAC BAC, RG 25, vol. 6297, file dossier 9057-40. Keenleyside also expressed the hope that MacDonald's report would set at rest all doubts on the subject of Canadian sovereignty, and that it would be "the last word on the subject for a long time to come." Keenleyside exprima aussi l'espoir que le rapport MacDonald mettrait fin à tout doute sur la souveraineté canadienne et qu'il serait « the last word on the subject for a long time to come ».

Ellesmere (75,000 square miles). These various arctic islands are separated by straits, sounds and channels which vary in width from a few miles to over 100 miles.(2)

CHAPTER 1. THE CANADIAN ARCTIC AND ITS INHABITANTS

In Chapters 2 and 3 of the Factual Record will be found matter descriptive of the geographical, topographical, climatic and ice conditions of the Arctic; and of the population (200 Whites, 8,374 Eskimos) and its geographical distribution, habits of living and means of subsistence, e.g. sealing, hunting and fishing, etc.

Such matters will receive their proper mention herein in subsequent chapters. In a preliminary way, however, it may be pointed out that such climatic, geographical and populational conditions do greatly impair the ability of Canada to attain such a kind and degree of control over Arctic regions as is normally regarded as essential in respect of non-Arctic areas. Moreover, as a glance at the map of the Arctic will reveal, the Canadian Arctic Archipelago is not only contiguous to the Canadian Mainland but constitutes a natural or geographical prolongation or extension of it; that the normal access to it lies through, or over, undoubted Canadian territory; that no natural northern boundary of Canada can be drawn without including the Arctic Archipelago; and that if it is to be effectively controlled and administered as a unit by any country (as seems desirable in the interests of international stability) Canada is the only country which can do so.

CHAPTER 2. DISCOVERY AND SETTLEMENT

A. The Record

Chapter 1 of the Factual Record contains a brief statement of the broad sweeps of early European exploration in America from which it will be noted that as regards the Arctic the efforts came mainly from the British, and from the French, which amounted to the same thing for present purposes because of the Treaty of Utrecht 1713 and the Treaty of Paris 1763 under which Britain acquired all the rights of the French in respect of Canada.

Chapters 4 and 6 of the Factual Record set forth the chronological record of sea, land, and combined sea-land explorations in the Canadian Arctic by British and Canadian Government expeditions respectively. Reference to these Chapters, and the Maps and Documents in Appendices 3 and 5, make very clear the routes followed, the landings made, the settlements established, the surveys and mapping done, and the symbolical declarations and acts of possession made and done in the attempt to annex the places and areas affected by right (real or assumed) or prior discovery. In particular F.R. Ch. 6 reveals the Canadian Government Patrols from 1884-1948 which resulted in the discovery of, and/ or formal acts of possession on behalf of Canada, of the following islands (and others adjacent thereto):[.] Ellesmere, North Devon and Somerset in 1904; Bylot, Griffith, Cornwallis, Bathurst, Byam Martin, Melville, Lowther, Russell and Belocil in 1906; Coburg and Cone in 1906 [1907]; Victoria, Banks and King William in 1909; Brock [and Borden] in 1914 [1915]; and Meighen, Perley, Edmund Walker and Loughheed Islands in 1916.(3) Chapters 7-11 of the Factual Record also contain accounts of other Canadian Government parties and the investigations conducted by them in the course of their work as administrative agencies.

As appears more fully, *infra*, Great Britain by Order in Council of June 23rd, 1870, annexed to Canada all its Northern possessions then comprised in Rupert's Land and the North Western Territory; and in 1871 by Statute authorized the Canadian Parliament "to establish new Provinces in any territories forming part of the Dominion of Canada, but not included in any Province thereof".

Further by Imperial Order in Council in 1880 any doubt as to the inclusiveness of the transfer of British Territories effected in 1870 was set at rest; for it transferred to Canada "all British Territories and possessions in North America, not already included in the

Dominion of Canada, and all islands adjacent to any of such territories or possessions". (The exception of Newfoundland and its dependencies is not material to the claims here discussed; in any event Newfoundland is now part of Canada). The validity of the Order in Council of 1880 was ensured in 1895 by the passage of the Colonial Boundaries Act.

It thus appears that Canada is vested with whatever territorial sovereignty in the Canadian Arctic was possessed by France and Great Britain under International Law by virtue of the acts of exploration and discovery done by their agents (including those of the Hudson's Bay Company in the vast region surrendered by it in 1869 and transferred by Britain in 1870); and also by virtue of acts of exploration and discovery by agents of the Canadian Government since that time.(4)

B. The Law relating to Discovery

The first relevant principle is that whatever effect is to be given to acts of discovery and symbolical possession must be determined by reference to the state of international law at the date of such acts and not as of the date of any controversy arising as to the effect of those acts.(5)

The doctrines relating to the acquisition of Territorial Sovereignty have conceded varying effect to Discovery of lands hitherto unknown to the community of nations, i.e., to territory uninhabited or inhabited by aborigines and regarded as terra nullius or No-State's land.

Until the 16th Century there was little settled law on the point; but by that time it began to appear that under certain conditions Discovery could be a basis for sovereignty, and many claims were made by States that such discoveries when made by their agents (and particularly when accompanied by symbolic acts of annexation) conferred an absolute title.(6) Later this gave way to the idea that there must be more than discovery and fictitious possession: there must be real possession. "However it was not until the 18th century that the writers on the Law of Nations postulated an effective occupation, or until the 19th century that the practice of the States accorded with this postulate".(7)

As Hall says (p. 126) "it has now been long settled that the bare fact of discovery is an insufficient ground of proprietary right. It is only so far useful that it gives an additional value to acts in themselves doubtful or inadequate". Thus discovery has had attributed to it the effect of creating an inchoate title.

Accordingly, Oppenheim and Hall and other jurists believe that discovery is not without importance in that it gives to the state in whose interest it was made an inchoate title; discovery, they add, would act as a temporary bar to occupation by another state for a period reasonably sufficient for an effective occupation of the discovered territory. If the period lapses without any attempt by the discovering state to convert its inchoate title into a real title by occupation, the inchoate title is extinguished and any other state can acquire the territory by means of effective occupation.(8) This view has received some support in practice.(9)

This opinion is, however, rejected by Smedal and (according to him) by Salomon, Fauchile and Heilborn, as well as by other European writers of the Continent.(10)

Smedal believes that, there is no international decision of such a character that it may be said to establish, in a binding manner, that the discovery of land gives the state on behalf of which the discovery has been made a prior right to appropriate the land. Since International Law does not in any event fix the period during which a right of priority can be enforced, it would seem reasonable, he says, to deny the existence of the right itself. And there is other authority for the view that little or no weight now attach[es] to discovery as such.(11)

In any event it clearly appears that title by discovery alone cannot prevail against a later display of sovereignty by another state sufficient to found title by occupation, i.e. by acts substantially continuous though marked by some intermittency.(12)

Reference to the Island of Palmas Arbitration and to the Eastern Greenland case, *infra*, makes clear on what slight grounds discovery as a source of title may be superseded by relatively slight acts of settlement and occupation by another state[,] particularly having necessary regard to the character of the Arctic.

If it were necessary to base Canada's title on acts of discovery and symbolic possession done in the long ago it may well be that successful resort could be had to the record of explorations mentioned in Section A of this Chapter considered in the light of the then contemporary state of international law as establishing title or repelling adverse claims to title to territories of non-recent discovery.

However, it seems unnecessary to consider any such record or contention in the present connection for Canada's claims rest on surer foundations, e.g. Effective Occupation.

As to territories recently discovered, however, e.g. the islands discovered by Canada in Foxe Basin in 1948(13) a claim founded on discovery alone would be of little effect under the modern law; except so far as the doctrine of inchoate title might operate to give a temporary bar to occupation by some adverse claimant sufficient to allow of more significant acts by way of an effective display of sovereignty by public declarations, mapping, etc., on the part of Canada.

Indeed, there is no doubt that the argument of discovery, if applied by Canada to islands hitherto unknown and eventually discovered by Canada, say, west of Ellesmere Island, would be dangerous, and might open the way for foreign discoveries, in future, of unknown territories located in the zone which Canada now considers as Canadian. Moreover, it might possibly give rise to foreign claims based on past discoveries. The recent incidents pertaining to the discovery of the Sverdrup Islands(14) should be a vivid reminder of the potential danger of foreign discoveries and of foreign claims based thereon which may arise in respect of areas within the Canadian Arctic and which may not be so capable of solution.

C. The Conclusion

The foregoing is not intended to suggest that a formidable claim to the Canadian Arctic could not be made on the basis of past discovery and derivative transfers and subsequent symbolic acts; for considering the geographical and climatic nature of the region and its scattered and backward population, and the comprehensive coverage and penetration by exploratory and government missions such a claim might be substantiated to some considerable degree. Rather the conclusion which emerges is that a claim so based might fail as to certain areas; is unnecessary; and in its application to modern and future discoveries might prove dangerous. Accordingly it is thought that except as preliminary to, or as partial support for, other contentions in respect of the Arctic-as-a-whole it should be left in abeyance, without prejudice to its application when necessary in respect of claims to individual areas or sections.

CHAPTER 3. TITLE BY EFFECTIVE OCCUPATION

I. The Law

The General Rule

"Theory and practice agree nowadays upon the rule that occupation is effected through taking possession of, and establishing an administration over, the territory in the name of, and for the acquiring State. Occupation thus effected is real occupation, and, in

contradistinction to fictitious occupation is named effective occupation. Possession and administration are the two essential facts that constitute an effective occupation". (15)

There does not seem to be any doubt that as regards terra nullius and abandoned land, sovereignty is acquired initially by occupation and that an effective appropriation of such territories is a condition of their acquisition by occupation. International Conventions, statements of jurists and arbitration awards furnish proofs of this. (16)

The nature of this rule and also its relation to Discovery as a source of title appear from a consideration of two recent and leading cases, the Island of Palmas Arbitration (17) and the Eastern Greenland Case (18) decided by the Permanent Court of International Justice.

In the Palmas Case the claim to the Island was between the United States, as successor to Spain, on the basis of its discovery in the 16th century, and that of Holland on the basis of long exercise of sovereign authority.

The arbitrator held that even if the international law of that century recognized mere discovery as giving a title to territory (though there is very little reason for thinking that it did), such a title could not survive today, when it is certain that discovery alone, without any subsequent act, does not establish sovereignty; whilst if the title originally acquired was 'inchoate' it had not been turned into a definite title by an actual and durable taking of possession within a reasonable time. It could not therefore on either view prevail over the continuous and peaceful and public display of authority which the evidence satisfied him had been exercised by Holland.

In his widely quoted award M. Huber reviewing the law as to the acquisition of territorial sovereignty by discovery and occupation made the following observations germane to the present inquiry:

... If a dispute arises as to the sovereignty over a portion of territory, it is customary to examine which of the States claiming sovereignty possesses a title — cession, conquest, occupation, etc. — superior to that which the other States might possibly bring forward against it. However, if the contestation is based on the fact that the other Party has actually displayed sovereignty ... it must also be shown that the territorial sovereignty has continued to exist and did exist at the moment which for the decision of the dispute must be considered as critical. This demonstration consists in the actual display of State activities, such as belongs only to the territorial sovereign.

So true is this, that practice, as well as doctrine, recognizes — though under different legal formulae and with certain differences as to the conditions required — that the continuous and peaceful display of territorial sovereignty (peaceful in relation to other States) is as good as a title ...

Manifestations of territorial sovereignty assume, it is true, different forms, according to conditions of time and place. Although continuous in principle, sovereignty cannot be exercised in fact at every moment on every point of territory. The intermittence and discontinuity compatible with the maintenance of the right necessarily differ according as inhabited or uninhabited regions are involved, or regions enclosed within territories in which sovereignty is incontestably displayed, or again regions accessible from for instance, the high seas. ...

In the exercise of territorial sovereignty there are necessarily gaps, intermittence in time and discontinuity in space. This phenomenon will be particularly noticeable in the case of colonial territories, partly uninhabited and as yet partly unsubdued.

In the Eastern Greenland Case the claim of Norway in 1931 to certain parts of East Greenland (which were outside the settled areas) founded on alleged occupation was disputed by that of Denmark to title to the whole of Denmark by virtue of "the peaceful and continuous display of State authority over the Island". The Court held that Denmark had

established a valid title to sovereignty over the whole island and not merely to those portions which it had actively colonized. The Courts pointed out that this conclusion was based largely upon the considerations that there was an absence of any claim to sovereignty by another power, and the inaccessible character of the uncolonized parts of the country.

The Court said, in part:

“Before proceeding to consider in detail the evidence submitted to the Court, it may be well to state that a claim to sovereignty based not upon some particular act or title such as a treaty of cession but merely upon continued display of authority, involves two elements each of which must be shown to exist; the intention and will to act as sovereign, and some actual exercise or display of such authority.... One of the peculiar features of the present case is that up to 1931 there was no claim by any Power other than Denmark to the sovereignty over Greenland. Indeed, up till 1921, no Power disputed the Danish claim to sovereignty.

It is impossible to read the records of the decisions in cases as to territorial sovereignty without observing that in many cases the tribunal has been satisfied with very little in the way of the actual exercise of sovereign rights, provided that the other State could not make out a superior claim. This is particularly true in the case of claims to sovereignty over areas in thinly populated or unsettled countries.”

And, having referred to Danish legislation in 1925 relating to hunting and fishing, and the division of Greenland into provinces etc., the Court continued:

“These acts, coupled with the activities of the Danish hunting expeditions which were supported by the Danish government, the increase in the number of scientific expeditions engaged in mapping and exploring the country with the authorization and encouragement of the Government, even though the expeditions may have been organized by non-official institutions, the occasions on which the Godthaab, a vessel belonging to the State and placed at one time under the command of a naval officer, was sent to the East Coast on inspection duty, the issue of permits by the Danish authorities, under regulations issued in 1930, to persons visiting the eastern coast of Greenland, show to a sufficient extent – even when separated from the history of the preceding periods – the two elements necessary to establish a valid title to sovereignty, namely: the intention and will to exercise such sovereignty, and the manifestation of State activity.”

(cf the comment of Hyde, (1933) 27 A.J.I.L. p. 732 that the judgment reveals “a readiness to accept as tests of the limits of territorial pretensions over a vast area remaining unoccupied even in the twentieth century, something other and less than actual administrative control throughout the same.”(19))

Elements of the Rule

1. Taking of possession by an agent of the State with the intent to acquire sovereignty (*factum et animus*).
2. Actual display of sovereign authority in respect of the territory in such a continuous way and by such means as are appropriate to the character of the territory, i.e., subjection of the territory to State administration.

1.(a) Possession or Annexation

The factum consists of the actual and physical taking possession by which the occupying state puts the territory under its control. Oppenheim (p. 509) maintains that this can only be done by a settlement on the occupied territory, accompanied by some formal act (a proclamation or the hoisting of a flag) which announces both the taking possession of the territory and the intention of the possessor to keep it under its Sovereignty.(20)

There is, however, high authority for the view that such actual settlement is not essential in polar regions because of climatic conditions provided the claimant can furnish proof that possession was taken and that it is in a position to exercise control over what it claims.(21)

This appears to be a necessary relaxation of the normal rule in the case of the Arctic. At all events Canada acted on this basis in relation to two islands discovered in Foxe Basin in 1948⁵⁴ when without attempting settlement it marked them on the map and made aerial photographs thereof.(22)

1.(b) Intent to Occupy

The animus or intention, requires an official and clear expression of the intention of the occupying Power to acquire sovereignty over the territory in question and to hold it as its own. International jurists disagree on whether or not it is necessary for the occupying state to notify other states of its acquisition. However, Oppenheim writes that "no rule of the law of nations exists which makes notification of occupation to other Powers a necessary condition of its validity" and this seems [to be] the present state of the law apart from contractual engagements to the contrary.(23)

Probably what is required is not express notification so much as the manifestation in official publications of the occupying State of the intent to acquire sovereignty.(24)

2. Display of State Authority – Administrative Acts

2.(a) Administrative Control – Degree

As Hall says the rule of effectiveness requires that "the possessor must establish some kind of administration thereon which shows that the territory is really governed by the new possessor" (p. 510). Thus an official administration must exercise a proper control over the territory of which possession has been taken and within a reasonable time thereafter. The administration must moreover be sufficient to maintain civil order and to provide for the organization and administration of justice in the territory in question. The maintenance of police posts, custom houses, post offices, schools and hospitals, scientific posts, wireless stations, and weather stations, are the customary form of administration in Arctic lands.

A local administration is not always required; regular official visits and patrol-vessels are other means of exercising actual jurisdiction over Arctic lands, as well as the availability of police forces for the enforcement of law and the apprehension of offenders. Similarly the exercise of administrative control may vary with such conditions as geography, climate, accessibility, distribution of population etc.(25)

When it is said that there must be a continuous display of authority what is meant is that such display must have continued for some period prior to the crucial date in controversy, and with whatever continuity is reasonable in view of local conditions. It is not meant that State activity must extend at all times or in relation to all areas. Thus as was said in the Palmas Case "although continuous in principle, sovereignty cannot be exercised in fact at every moment on every point of Territory. The intermittence and discontinuity compatible with the maintenance of the right necessarily differ according as inhabited or uninhabited regions are involved, etc."

See also the importance attributed in the Eastern Greenland case to such discontinuous acts as hunting and scientific expeditions, inspections by a government vessel, and the issuance of permits, etc.

⁵⁴ Three islands were photographed from the air in 1948, and the Department of Mines and Resources sent a scientific party to examine them in 1949. They were subsequently named Prince Charles Island, Air Force Island, and Foley Island. Trois îles furent photographiées depuis les airs en 1948 et le ministère des Mines et des Ressources envoya un groupe de scientifiques les examiner en 1949. Elles furent par la suite baptisées île Prince Charles, île Air Force et île Foley.

The foregoing applies equally to the means of occupation; their effectiveness likewise must be considered relatively, in the sense of what is reasonably appropriate to the nature of the territories involved.

In terms of the degree of continuity and appropriateness of state activity it has been held that the following considerations indicate how little may be necessary in abnormal situations such as obtain in the Canadian Arctic(26):-

1. The population:

More is required for exercising control in densely peopled areas than in territories sparsely inhabited or uninhabited. The polar regions are so sparsely populated that orderly conditions can be maintained by relatively simple measures.

It is never required of the occupying state that it be able to exclude others from the territory by force. The fact that flying columns of the military or the police may control, when necessary, remote spots, suffices to maintain order and in this way to occupy effectively a polar territory.

It will, therefore, be possible for a state to exercise effective control over a polar territory without establishing a local authority within the limits of this territory. Thus, control may be exercised, exceptionally, from a point located either in the temperate zone or in another polar territory. However, in this respect Smedal (p. 35) points out that all polar regions cannot be treated alike. If, for instance, people settle in large numbers around valuable mineral sites, more men in charge would be necessary at such places than in uninhabited regions.

2. Means of access:

Should the occupying power control exclusively the means of access to the territory claimed, there would be little need for an elaborate occupation of the territory. This stems from the fact that foreign powers must receive permission from the claimant state to use the means of access, in order to reach the polar region. This seeking of permission is in itself a tacit recognition of the effectiveness of the control exercised by the claimant state over the polar area. Thus to a great extent Canada does control the physical means of access to the Canadian Arctic zone, which cannot be easily reached except from the Canadian main territory.

3. Nearly impassable regions:

Should the physical conditions of a polar territory be such that they make it nearly impassable, the same rule may apply: a minimum of control would then be required. The presence of mountain ranges, of perpetually frozen soil or of frequent storms in the vicinity are examples of conditions which render a territory impassable.

4. Climate:

In respect of polar regions where the climate is very severe, as in the northern part of the Canadian Arctic, it is sufficient that administrative control be exercised only when the climate or weather conditions permit travel. It is unnecessary for state authority to be asserted without interruption in all parts of the land all year round.(27)

5. Groups of Islands:

It is generally admitted(28) that it is not necessary to occupy every one of a group of islands, provided that from the occupied islands or places what is happening on all the others can be duly supervised, e.g. administrative control over several islands of the Canadian Arctic Archipelago is often exercised from distant points.

6. Location:

It is generally agreed that regions located or enclosed within territories in which the sovereignty of a state is incontestable are subject to the same State's sovereignty.

2. (b) Administrative Control – Area

The present law on this point has been stated by Brierly(29) as follows:

“On principle the area to which the legal effects of an occupation extend should be simply the area effectively occupied and this is a question of fact. But politically a strict adherence to this principle is impracticable: a state which has effectively occupied a certain area may reasonably intend to extend it, or it may be that the security of the area occupied would be threatened if another state should occupy adjacent unoccupied territory. Hence states have usually claimed title to an area greater than that effectively occupied, and though the claims have often been extravagant the law recognizes some extension as reasonable. Mr. Hall's statement on this matter is as definite as it can safely be made, when he says (International Law, 8th ed., p. 129) that ‘a settlement is entitled, not only to the lands actually inhabited and brought under its immediate control, but to all those which may be needed for its security, and to the territory which may fairly be considered to be attendant upon them’”.

Oppenheim (p. 512) says “that in truth no general rule can be laid down beyond the above, that occupation reaches as far as it is effective. How far it is effective is a question in each particular case.... The fact that flying columns of the military or the police sweep, when necessary, remote spots, the conclusion of treaties relating to the territory in question, and many other facts, can show how far around the settlements the possessor is really able to assert his established authority.”(30)

Reference to the Eastern Greenland Case *supra*(31) will illustrate what slight and intermittent exercises of authority from settled parts may suffice to found a conclusion that vast and remote areas have thus been brought within the limits of effective occupation.(32)

2.(c) Competing Claims

It is clear law that the display of state authority required to prove effective occupation in a given case varies:

- (a) according to the strength of an adverse claimant's own title (e.g. as in the *Palmas Case*), and
- (b) according to whether or not there is any adverse claimant.

Thus (a) in the *Eastern Greenland Case* the Court observed that “in many cases the Tribunal has been satisfied with very little in the way of the actual exercise of sovereign rights, provided that the other State could not make out a superior title”; and (b) [the Court] based its decision, in part, on the feature that up to 1931, there was no claim by any power other than Denmark to sovereignty over Greenland as a whole.⁵⁵

These are important considerations in the present case for, as will be discussed later, Canada's title to sovereignty though long asserted has been called in question as to any area therein in only one instance in recent years (i.e. by Norway in 1930 [1928] re the Sverdrup Islands); and no notice of any present or impending claim has been received. On the contrary, there have been acts of recognition of her title including acquiescence in her requirement of permits for expeditions to the Canadian Arctic.

The detailed account of Canadian activities contained in the Factual Record and discussed *infra*, it is submitted, shows that Canada has fulfilled the various requirements

⁵⁵ The last part of this sentence should read: La dernière partie de cette phrase devant se lire : over any part of Greenland.

imposed by International Law under the principle of effective control and administration, particularly as applicable to Arctic regions. Indeed, the leading authority on the subject, Smedal(33) cites the handling by Canada of its Arctic territories as a good precedent of how to take effective possession of polar regions, and adds that there is no reason to deny Canadian sovereignty over the territories which Canada has in this way really brought under its control and jurisdiction.

Finally in considering the sovereignty of such a vast area as the Canadian Arctic with its scattered land units and sparse population, and the impediments which its geographical and climatic features oppose to travel and organization, regard may well be had to the observation in the Palmas Case "that in the exercise of territorial sovereignty there are necessarily gaps, intermittence in time and discontinuity in space ... particularly in the case of colonial territories, partly uninhabited or as yet partly subdued. Each case must be appreciated in accordance with the particular circumstances."

II. Canadian Administration of the Arctic

1. In General

In this section attention is called to some of the matters relating to the origin and development of government in the Canadian North in the sense of indicating the general framework of government established therein from time to time. For this purpose reference is had chiefly to the material set out in the Factual Record, Chapter 5, entitled "Administration of the Northwest Territories 1868-1949", and Chapter 16, entitled "Administrative System 1949".

(a) The Assumption of Jurisdiction

By virtue of [the] Rupert's Land Act 1869, of the surrender by the Hudson's Bay Company in 1869 of all its rights, lands, etc., in Rupert's Land [and] in other parts of British North America known as the North-Western Territories, and of an Imperial Order-in-Council passed on June 23rd, 1870, under authority of Section 146 of the British North America Act, 1867, the vast unorganized Territory known as Rupert's Land and the North-Western Territory became part of Canada and subject to the jurisdiction of the Canadian Parliament. Later the Imperial Parliament was to clear up any doubt as to the territory so transferred and annexed to Canada, by an Order-in-Council in 1880 transferring "all British Territories and possessions in North America not already included in the Dominion of Canada and all islands adjacent thereto". It is in conformity with the foregoing that the Northwest Territories are now defined by Parliament in the North-West Territories Act(34) as comprising "the territories formerly known as Rupert's Land and the North-western Territory....together with all British territories and possessions in North America and all islands adjacent thereto".

In anticipation of the consummation of the transfer of these British Territories the Canadian Parliament in 1869, and again in 1870, enacted legislation for their temporary government when so united with Canada; including provisions for the administration of justice, the continuance of existing laws and the enactment of new laws, etc. Such legislation was confirmed by the B.N.A. Act of 1871 which also authorized the Canadian Parliament (by Section 4) to make provision for the administration of any territory not for the time being included in any Province, and (by Section 2) to establish new Provinces in any such territory. It is by virtue of these latter provisions that (1) territories have been withdrawn from the Northwest Territories from time to time in the form of accretions to other Provinces, e.g. Ontario and Quebec, or of the creation of parts thereof as new Provinces as in the case of Manitoba in 1870, and Alberta and Saskatchewan in 1905, or as the Yukon Territory in 1898; and (2) that the Government of the Territories has been, and is today, exercised by the Parliament of Canada.

Thus, however augmented by discovery and occupation or reduced by transfer or withdrawals, there has been complete continuity of governmental authority over the Northwestern Territories of Canada vested since 1869 in the Parliament of Canada.

(b) Law in Force

In particular there has been continuous provision by Parliament as to the law in force in the Territories, however constituted from time to time. Thus by the Canadian Act of 1869 the law theretofore in force – that of England as of 1670 and ordinances lawfully made by the Hudson's Bay Company under its charter – was continued; and in 1886 Canada further continued the same (subject to intervening changes by statute or ordinances), and also introduced into the Territories all Dominion statutes applicable thereto. Accordingly since 1869 the law in force in the Territories has existed by virtue of enactments of the Canadian Parliament whether made directly by it or by some authority (e.g. a Governor in Council, or a Legislative Assembly, or Commissioner) empowered by it to make derivative ordinances, etc. Similarly, whatever the form of local government might be and the extent of the administrative or law-making autonomy conceded to it from time to time, it is clear that the exclusive power to administer and to make laws for the Territories has always resided – as it resides today – in the Parliament and Government of Canada.

Apart from the application of general laws to the Territories, Canada has provided by statutes or derivative ordinances, laws of particular concern to its Arctic regions, e.g. for the preservation of game, establishing closed seasons and game preserves and sanctuaries, regulating the export of furs, etc.; and for the conservation of reindeer and the development of reindeer herds as a source of sustenance.(35)

(c) Continuity of Administration

It is enough to say here that by a series of enactments culminating in the present Northwest Territories Act Parliament has exercised continuous jurisdiction in relation to the administration of justice, such as the creation of courts, the apprehension and punishment of offenders, etc.; the creation and grants of powers to local units of government; the establishment of administrative districts, etc.; and that in general the Canadian Government has administered the affairs of the Territories in much the same way as they would be administered if they constituted a Province (albeit by different organs).

Their administration from Ottawa has taken different forms, as has the local apparatus of political institutions and administration. Thus, for example, administration by a resident Governor and his Council, and later by a Legislative Assembly (1888 to 1905) was superseded by that of a non-resident Commissioner (and an advisory Council) with power to make ordinances, etc. From 1905-1920 this Commissioner was the Comptroller of the R.N.W.M.P. Since that time the Commissioner has been the Deputy Minister of the Interior, and later – as now – the Deputy Minister of Mines and Resources with an advisory Council.(36)

None of these changes in the method or organs of administration is of importance; what is significant is that the Territories annexed in 1870 have been subjected continuously to the exercise of Canadian legislative, judicial, and executive power.

(d) Creation of District of Franklin

The Dominion has on various occasions divided the Territories into, or created, Districts for administrative purposes. In the present connection it is important to note that by the Order-in-Council made in 1897 the Northmost area was established as "The District of Franklin, comprising Melville and Boothia Peninsulas, Baffin, North Devon, Ellesmere, Grant, North Somerset, Prince of Wales, Victoria, Wollaston, Prince Albert and Banks Lands, the Parry Islands and all those lands and islands comprised between the one hundred and forty-first meridian of longitude west of Greenwich on the west and Davis

Strait, Baffin Bay, Smith Sound, Kennedy Channel and Robeson Channel on the east which are not included in any other provisional district".(37)

This constituted a formal step by the Canadian Government to declare the extent of Canadian territory north of the mainland to which it claimed title. If this territory is blocked off on the map of the District in its present form as it appears on Maps 1 and 5 of Appendix 4 of the Factual Record, it will be seen how largely inclusive this declaration was as regards the Arctic Archipelago as now known; and how significant it must be that this extensive assertion of Canadian title met with no contemporaneous challenge. With this may be compared Canada's assertion since 1925 of its right to require all explorers and scientists to secure a permit to travel or conduct investigations in the Canadian Arctic and the submission thereto of the nationals of many countries.(38)

2. Particular aspects of Administration

The assertion of Canadian jurisdiction over the whole Arctic Region since 1869; its subjection to laws made [by] or derived from the Parliament of Canada; and the continuous administration of its affairs by the Canadian Government or other bodies exercising executive powers delegated by it were outlined above.

These evidences of Canada's continuous "display of sovereignty" in relation to the Arctic as a whole may be supplemented by mention of some of the varied activities of the Canadian Government which in their sum demonstrate that Canada's occupation thereof has been real and effective.

These governmental activities are set forth in detail in Chapters 6 to 14 of the Factual Record.

The probative value of this material (comprising over 160 pages) can only be appreciated fully by close reading and constant consultation of maps. Nor does it lend itself to easy abbreviation; for its strength lies in its very detail. For the present purpose, however, all that is needed is sufficient indication of the nature and reach of governmental activity, of the ways in which, and the physical extent to which, the hand of government has busied itself with the areas and peoples concerned. Accordingly what follows consists of references to classes of acts of government.

Chapter 6 of the Factual Record consists of the accounts of some scores of expeditions sent into the Arctic by the Canadian Government and whose routes of travel are marked on the maps in Appendix 5⁵⁶ which also sets forth copies of the Documents of Possession deposited in the Archipelago by the several expeditions.

In terms of personnel these expeditions have embraced medical men, dentists, geologists, historians, geographers, naturalists, police officers, cinematographers, botanists, meteorologists, archaeologists, surveyors, entomologists and many other kinds of scientist.

In addition to discovering and/ or laying formal claim to many islands(39) these expeditions engaged in coastal and other surveying and mapping activities; established Hudson's Bay Company and R.C.M.P. Posts; conducted criminal investigations and trials; ministered to the health of the inhabitants by preventive and curative measures; collected customs duties; and engaged in many types of scientific investigations. Moreover, these expeditions soon ceased to be sporadic or ad hoc and became annual affairs or matters of government routine. Reference to the maps in Appendix 5 will also show how very comprehensive they were in terms of areas covered and places visited.

F.R. Chapter 7 (pp. 101-56) indicates in detail the police and other activities of the R.C.M.P. in the Arctic; and in particular the annual and special patrols made since 1900 by

⁵⁶ Maps 8.1-8.6 are based on these maps./ Les cartes 8.1-8.6 sont fondées sur ces cartes.

detachments located at Chesterfield Inlet, Herschel Island, Coppermine, Pond Inlet, Craig Harbour, Aklavik, Dundas Harbour, Pangnirtung, Cambridge Bay, Lake Harbour, Frobisher Bay and Resolute Harbour; and also the voyages of the floating detachment, the "St. Roch", since 1928. The comprehensive territorial range of these patrols and voyages is vividly depicted on the maps in Appendix 6.⁵⁷

The activities of the R.C.M.P. have included the investigation of alleged violations of law, the pursuit and apprehension of alleged offenders, (e.g. F.R., p. 107); the transportation of special judicial missions sent to the Arctic to conduct criminal trials (e.g. pp. 115-6, 125); the collection of customs duties from whalers and other vessels (e.g. p. 114); the making of surveys; the giving of aid to destitute Eskimos; inquiries as to health of natives; compiling of census and other statistics; the delivery of mail; acting as Justices of the Peace (e.g. 124); constant visits to native encampments and individual Eskimos; inspection of game conditions (e.g. p. 128); establishment of post offices (e.g. p. 131); collection of game license fees; instruction of Eskimos as to game regulations etc.

The activities of the Department of Mines and Resources (and its predecessors) in the Arctic have included geographical surveys and mapping (F.R. pp. 157-61); hydrographic surveys (pp. 161-3); topographical surveys and mapping (pp. 163-4); geodetic surveys (pp. 164-5); magnetic surveys (pp. 166-7); air photography (pp. 167-8); since 1904, the compilation and publication of official maps (pp. 168-178) showing not merely territorial areas but also many other aspects of the Arctic, such as their geology, topography, forests, natural resources, game preserves, airways, hydrography, etc. (pp. 168-178); anthropological investigations (pp. 178-82); since 1884 biological investigations (pp. 182-3) and geographical surveys (p.184); and many important sea and land trips made by officers of the Territorial Administration (pp. 190) to survey economic, health and other conditions.

These activities have not been confined to a few areas but have ranged widely throughout the whole Arctic Region (see Maps in Appendix 7).

The Department (or its predecessors) has distributed many sums of money for the relief of destitute Eskimos (F.R. p. 184) and for the aid of Mission Schools; has provided medical officers, nurses and medical supplies and services (p. 187); has supervised the payment of Family Allowances to Eskimos; and has taken various measures for their education (pp. 192-3); has controlled the use of liquor, and the export of fur.

Moreover, since 1926 under an "Ordinance respecting Scientists and Explorers"⁵⁸ made by the Commissioner in Council, entry into the Northwestern Territories "for scientific or exploratory purposes" has only been had under license, upon conditions requiring such persons to report the information secured, specimens taken, localities visited etc., and such provisions have been observed by the nationals of many countries, including those of countries particularly concerned in the Arctic (F.R. pp. 53-4).

Since 1893, by Statute and Ordinances, extensive provision was made for the preservation of game and the development of the reindeer industry (pp. 55-60) and the establishment of preserves and sanctuaries (Appendix 4, Map 2).

F.R. Ch. 16 outlines some other current activities of the Northwest Administration and other government Departments and private agencies in respect of such matters as water and air transportation, radio communications, postal services, law enforcement, and the control of trading posts. The location of the settlements, police and scientific establishments, etc.,

⁵⁷ For the *St. Roch* patrols, see maps 8.5 and 8.6. Pour les patrouilles du *St. Roch*, voir les cartes 8.5 et 8.6.

⁵⁸ See/ Voir doc. 355, footnote/ note en bas de page.

and administrative agencies in the Arctic are shown on Map 2, Appendix 12; and as noted before in other connections these likewise are of wide-spread distribution throughout the Arctic Region.

Canada has required the payment of license-fees for vessels engaged in whaling in its northern waters; and has regulated the killing of walruses by Eskimos as to quantity, and has established a license system for the killing of walruses and the export of tusks by other persons "in Hudson Bay and Strait and the Canadian waters north thereof." (F.R. Ch. 9).

Canada has established and operates Weather Stations at the wide-spread locations shown on Map 1, Appendix 8; and has established and operates a radio communication system and aerial search and rescue service in the Arctic. (F.R. Ch. 11).

Canada has established post offices in the Arctic as shown on Map 1, Appendix 10.

Provision has been made for the receipt of applications for citizenship or naturalization from persons in the Arctic and their disposition by officials therein. (F.R. Ch. 13).

Canada has manifested great interest in the health of the inhabitants of its Arctic Regions by conducting investigatory patrols; by the establishment of hospitals and financial aid to mission hospitals; by the appointment of resident medical officers; by regular inoculations against disease; by an organized system for the distribution of medical supplies; and by flying patients from the Arctic to outside centres for treatment when necessary. (F.R. Ch. 14).

III. The Conclusion

As indicated in section I hereof the general principle of International Law is that title may be acquired by a country which takes possession of unoccupied territory and manifests sovereignty over it by subjecting it to actual State Administration by means and to a degree appropriate to the character of the Territory; that it is not necessary that the display of authority extend into every place in that Territory if the fair inference is that the occupying power has assumed administration of the territory as a whole; and finally, that the title claimed by occupation depends largely upon whether there is a competing claimant and, if so, the strength of his adverse claim.

Moreover, it has appeared that relatively little will suffice to establish title by occupation in the case of Arctic regions because of the agreed necessity of moderating the rigor of the general principle in view of such elements as remoteness, geography, climate, population, etc.

Canada fell heir to the rights of France and Great Britain and began providing for the administration of the Canadian Arctic in the [Eighteen-]Sixties; and by statutes, orders in council, and ordinances has continuously and progressively asserted its administrative authority over the whole of the Arctic Regions, as it has likewise since 1904 by the publication of many official maps depicting its limits.⁽⁴⁰⁾ Apart from this assumption and continued assertion of Canadian sovereignty, Canada has reduced the region into possession by supplying for it a complete framework of laws, and of law-making and law-enforcing organs, and of executive authority; and has engaged progressively in detailed acts of administration, i.e., "the actual display of State activities such as belongs only to the territorial sovereign."⁽⁴¹⁾

The acts of administration outlined in the section above are so numerous and so varied and so wide-flung that, it is submitted, they would satisfy the requirements of the law in its most absolute terms if that were required. A fortiori they amount to effective occupation in the terms of the law relative to Arctic Regions. For relatively to the physical and climatic conditions which obtain in those regions they provide a convincing demonstration that Canada has occupied them in as effective a manner as could possibly be accomplished. The

record shows not mere declarations or symbolic acts of possession or sporadic expeditions or occasional visits of government officials or locally circumscribed displays of activity such as have sufficed in other cases: but rather the complete incorporation of the whole region into the realm of Canadian law and administration, and the gradual and systematic penetration of the arm of Canadian Government into all the component parts of the region, and the extension to the inhabitants of the normal benefits of Canadian citizenship, and numerous provisions for their special needs.

To these considerations may be added the absence of challenge of Canada's title by other countries, their submission to Canadian legislation requiring travel and exploration permits, and other evidences of tacit recognition mentioned in a later Chapter.

Accordingly the conclusion appears inevitable that Canada has made so many displays of sovereignty, in so many respects, in so many places, for so long a period, and with so little challenge, as to establish its title to the whole of the Canadian Arctic region by effective occupation in conformity with international law.

CHAPTER 4. TITLE BY THE SECTOR PRINCIPLE

This alleged principle may be mentioned here because it has special reference to Polar regions. "Nations asserting sovereignty in Arctic and Antarctic regions by reference to the sector principle claim territories defined by the coast line and the meridians drawn from extreme points of that line." (42) As applied to the Arctic the principle means that States bordering on the Arctic have a valid claim to all land-territories which are bounded by their northern coasts and lines projected from the extreme east and western limits thereof to the North Pole. The principle is restricted apparently in that it applies only to land-areas: but is inclusive in the sense that it applies to all such areas whether presently known or unknown and without regard to whether or not they have been "occupied". (43)

Under this principle, Canadian sovereignty would extend to all areas to the north of Canada in a sector subtended from the North Pole. This sector, having the form of a triangle pointed on the North Pole, is demarcated by the 141° west longitude to the west, by the Arctic Circle or possibly by the coastline of the Canadian mainland to the south, and by the 60° west longitude to the east, with the exception of the portion of Greenland to the west of 60° west longitude.

It will be seen that so far as Canada is concerned this involves a claim to precisely the region which can be claimed successfully by right of effective occupation.

It is a weaker source of title than occupation as it concerns the Arctic at least; for it rests upon relatively few instances in which it has been asserted. Smedal (p. 64) says "it is not a legal principle having title in the law of nations" and as he points out this is partly admitted by those who uphold it; for "States that claim sovereignty in sector areas nevertheless attempt to take charge of lands lying in these areas by effective operation". Thus Hyde (p. 350) remarks that though Canada is understood to approve of the Sector principle "it appears to deem it necessary to fortify its position by other processes, and to endeavour in fact to exert a degree of administrative control over adjacent polar areas which it claims as its own". The only considerable reason assigned for such a principle is the assertion that an effective appropriation cannot be made in the polar regions. But, as Smedal notes, that is not true in fact; for effective appropriation has been performed at various places in the Arctic and indeed Canada's record in this regard (Chapter 3 *supra*) is proof of this. There are grave objections in terms of principle to this doctrine, which as Hyde (p. 349) says "is primarily a method of measuring the geographical extent of a claim regardless of its legal value. The use of it marks indifference as to the nature of the surface of the area concerned

whether it be land, or ice or water and reveals, moreover, indifference whether through symbolic or other acts committed within that area there has been any appropriate assertion

of dominion. It purports to reserve from the application of commonly accepted principles of international law, special areas deemed to possess a unique or convenient geographical relationship with the claimant State". There is point in McKitterick's observation that "the sector theory is the last survivor of the old 'hinterland' principle as applied to continents, and appears to have no stronger basis in international law than that now discarded theory".

In the case of Canada reliance on this principle so-called, could be necessary only in two cases: (1) as regards land within the claimed territorial limits not yet discovered, and (2) lands therein so remote from settled areas as might be argued are outside the ambit of our effective occupation.

It seems reasonably clear, however, that Canada's title to both types can be rested successfully on the basis of our occupation of the Arctic region as a whole (Chapter 3 *supra*) or as included in a region to which our title has been established by Recognition. (Chapter 6 *infra*).

Moreover it is impossible to predict what exact form this principle will assume if it should become established, nor to what qualifications it may become subject, nor how far its application to Arctic regions may be affected by the outcome of its assertion in relation to the Antarctic.

Accordingly it seems enough for present purposes to note what attitudes have so far been taken by States interested in the Arctic to what at the moment is but a pseudo-principle.

1. Canada:

Canada has never claimed a sector by any direct declaration. The Canadian claim has been made indirectly in different ways and on several occasions of which these are a few examples:

- (a) The interpretation which the Canadian Government gave to the Order-in-Council of July 31st, 1880, annexing to Canada "all British territories or possessions in North America not already included with the Dominion of Canada and all islands adjacent to any such territories or possessions."⁵⁹(44)
- (b) On the occasion of the official Canadian expedition led by Captain Bernier in 1908-09.(45)
- (c) The Canadian Note to Denmark in 1921 refusing to recognize any discoveries Rasmussen might make.⁵⁹(46)
- (d) Mr. King, after having stated in the House of Commons on May 12, 1922, that Wrangel Island[,] which is located north of Siberia[,] was part of Canadian territory, later found it desirable not to press the claim on behalf of Canada in order to avoid similar claims in the Canadian Sector.(47)
- (e) The publication in 1923 [1924] by the Canadian Department of the Interior of a map of the Northwest Territories showing all areas north of Canada as Canadian territory; and that of subsequent maps listed in F.R. 172-187.
- (f) The adoption in 1925 of an amendment to the Northwest Territories Act enabling the Commissioner in Council to make ordinances for the issuance of permits to Scientists and explorers to enter the Northwest Territories and the accompanying declarations of Mr. Stewart, Minister of the Interior in Parliament that Canada claimed as Canadian all territory "right up to the North Pole".(48)

⁵⁹ There was no such note. On the origin of the belief that Canada had invoked the sector theory on this occasion, see/ Une telle note diplomatique n'existait pas. En ce qui concerne l'origine de la croyance que le Canada avait invoqué la théorie des secteurs à cette occasion, voir Janice Cavell and/ et Jeff Noakes, *Acts of Occupation: Canada and Arctic Sovereignty, 1918-25* (Vancouver: UBC Press, 2010), p. 241.

Some arguments in favour of the Canadian Sector claim may be found in the Treaty between Russia and Great Britain of 1825(49) and in a United States Note of 1896 [1890].⁶⁰ (50) In referring to the boundary line between Canada and Alaska, the Treaty of 1825 said that the Meridian 141° West shall be the boundary line "right up to the Arctic [Ocean]" (*jusqu'à la mer glaciale*). If the term was understood to mean that a division of the Arctic regions was made by the Treaty (and it seems that this was not the case) the division was a matter between Great Britain and Russia which foreign states are not bound to respect if they have not consented to it.

The Note of United States Secretary of State Mr. Blain of December 17, 189[0], to the United Kingdom Government concerning the Behring Sea Controversy suggested that "the simplest division of that territory is to accept the prolongation of the 141° of longitude to the Arctic Ocean, as the boundary. East of it, the territory shall be British, West of it the territory shall be Russian".

2. United Kingdom:

The United Kingdom has claimed the Sector Principle by official declarations in [1908.] 1917, 1923, and in 1925.⁶¹ These declarations were related to the Falkland Sector and to the Ross Sector.(51)

In 1916 the United Kingdom tacitly accepted a Russian Claim⁶² to some islands located north of the Taimyr Peninsula in Siberia on the ground of geographical continuity.(52)

The United Kingdom had admitted the claim by Denmark on September 6, 1920, to the whole of Greenland in an Exchange of Notes.⁶³ Moreover it was decided at the Imperial Conferences of 1926 and 1930 tacitly to recognize the Soviet Sector.⁶⁴ (53)

3. Soviet Union:

Since the 19th Century, the Russians have never made any secret of their view that all islands discovered to the north of Siberia must be regarded as Russian. By a Decree⁶⁵ of April 15, 1926, and communicated⁶⁶ to other powers the Soviet Union recognized officially the Sector Principle as far as it is concerned, in claiming as Soviet territory "all lands and islands discovered or which may be discovered" lying in its northern Sector.(54)

It appears that Russia could not reasonably object to the assertion by Canada of the Sector Principle.

4. United States of America:

The United States Government is obliged, according to a Foreign Office Memorandum of 1930, to recognize the Sector Principle at least in part by the terms of the Alaska Treaty of 1867. But it has never committed itself to a definite pronouncement on the lines of the Soviet Decree: the United States never claimed a Sector (presumably because this would

⁶⁰ See/ Voir doc. 393, footnote/ note en bas de page.

⁶¹ See/ Voir docs. 416, 423, footnotes/ notes en bas de page.

There was no declaration in 1925, but in 1933 Britain transferred an Antarctic sector to Australia./ Il n'y eut aucune déclaration en 1925, mais en 1933, la Grande-Bretagne transféra un secteur de l'Antarctique à l'Australie. See/ Voir *London Gazette*, 14 February 1933, p. 1011.

⁶² See/ Voir doc. 286, enclosure/ pièce jointe.

⁶³ See/ Voir Cour permanente de Justice internationale, série C, Plaidoiries, exposés oraux et documents, n° 62, *Statut juridique du Groënland oriental*, p. 46-48/ Permanent Court of International Justice, Series C, Pleadings, Oral Statements and Documents, no. 62, *Legal Status of Eastern Greenland*, pp. 46-48.

⁶⁴ See/ Voir doc. 527, footnote/ note en bas de page.

⁶⁵ See/ Voir doc. 416, enclosure/ pièce jointe.

⁶⁶ See/ Voir doc. 423, enclosure/ pièce jointe.

not give them any advantage, no land having yet been discovered between Alaska and the North Pole). This attitude has been confirmed by various official statements made by American authorities. By the Treaty of January 17, 1917,⁶⁷ however, the United States admitted⁶⁸ Danish sovereignty over the whole of Greenland.(55)

There has never been any American claim to Canadian islands on the basis of American discoveries. Occupation has been generally put forward by the United States as the basis for sovereignty in polar regions. However, the United States Government has recently proposed that the Antarctic continent should be internationalized.(56) This certainly means that it does not consider the Sector Principle as acceptable. The United States proposal has been rejected by Argentina, Chile and apparently by Norway, Canada having decided to abstain from taking any position.

5. Denmark:

The Danish Government had not up to 1930 specifically declared its adherence to the Sector Principle. But it is more or less committed to it in practice since it claims all Greenland on the ground of the essential unity of the whole region. This claim was admitted in 1917 in the Treaty by which the United States acquired the Virgin Islands from Denmark and by the United Kingdom in 1920.(57)

Denmark cannot, therefore, logically resist the corresponding claim of the Canadian Government to the whole of the Canadian Archipelago.

In 1925, Denmark recognized tacitly⁶⁹ Canada's jurisdiction over Ellesmere Island by granting permission to land in Greenland supplies for the Canadian police posts on Ellesmere Island.⁷⁰(58) It may, therefore, be assumed that in practice the Danish Government will not contest the Sector Principle in its application to the Canadian Sector, especially as the Danish Government is in need of foreign support for its claim to sovereignty over all Greenland.⁷¹

6. Norway:

Norway never has claimed a sector. In the course of an Exchange of Notes with Canada in 1930, settling its claim to the Sverdrup Islands, Norway stated expressly that while formally recognizing Canadian sovereignty over these Islands, such recognition was in "no way based on any sanction whatever of what is named the Sector Principle".(59)

⁶⁷ The treaty for the sale of the Danish West Indies was signed on 4 August 1916 and ratified on 17 January 1917./ Le traité sur la vente des Antilles danoises fut signé le 4 août 1916 et ratifié le 17 janvier 1917. See/ Voir Charles I. Bevans, comp., *Treaties and Other International Agreements of the United States of America, 1776-1949*, vol. 7, Denmark-France (Washington, DC: Government Printing Office, 1971), pp. 56-64. On the day the treaty was signed, Robert Lansing made a declaration (pp. 61-62) regarding Greenland./ Le jour où le traité fut signé, Robert Lansing fit une déclaration (p. 61-62) concernant le Groenland.

⁶⁸ Rather, Lansing's declaration stated that the US did not object to the extension of Danish political and economic interests to all of Greenland./ La déclaration de Lansing indiquait plutôt que les États-Unis ne s'objectaient pas à l'élargissement des intérêts politiques et économiques danois à tout le Groenland.

⁶⁹ Denmark had already tacitly recognized Canada's sovereignty in 1921./ Le Danemark avait déjà tacitement reconnu la souveraineté du Canada en 1921. See/ Voir doc. 251.

⁷⁰ See/ Voir docs 358, 381.

⁷¹ No such support was required after the 1933 decision of the Permanent Court of International Justice. Aucun soutien semblable ne fut demandé après la décision de 1933 de la Cour permanente de Justice internationale.

The Norwegian Royal Proclamation in 1940 [1939]⁷² declaring to be under Norwegian sovereignty the part of the mainland coast of the Antarctic between the limits of the Falkland Islands dependencies and the Australian Antarctic dependency, is another indication that Norway does not and cannot accept the Sector Principle as a basis to sovereignty in polar regions.

Smedal is of the opinion that the rule that No-Man's land must be acquired by occupation, in polar regions as elsewhere, cannot be dispensed with, for it cannot be replaced by any other rule, and that "there can be no doubt that states are unwilling to renounce in the polar regions the rule of occupation in favour of the Sector Principle". The action taken in the past by all states interested in Arctic and Antarctic activities is illustrative of this attitude. The recent American proposal that the Antarctic continent be internationalized is evidence of this.

Conclusion:

It is, therefore, questionable whether the Sector Principle, although propounded to some extent by Canadian statesmen and incorporated in the domestic law of the USSR, constitutes an argument which it would be wise for Canada to urge in support of its claim to sovereignty in the Arctic. Not only has the Sector Principle a weak foundation under International Law, but the United States would probably find it impossible to accept an argument based on the Sector Principle in the Arctic, as it is opposed to the application of the Sector Principle in the Antarctic.

Accordingly, it should be used, if at all, only where our claim to important areas in the Arctic may be regarded as not yet encompassed by the march towards the demonstrable effectiveness of our occupation of the whole region.

Meanwhile it may be noted that the limits of the region which might be covered by an assertion of title by the Sector Principle are the same as those which may be claimed under the doctrine of Effective Occupation.(60)

CHAPTER 5. TITLE BY PRESCRIPTION

"Prescription as a title to territory in international law is so vague that some writers deny its recognition altogether. Certainly no rules exist as to the length of possession necessary to create a title; but ... the law in the interests of general international order must recognize facts; it must and does accept the long-continued definitive possession of territory as a good root of title, without regard to its origin, as municipal law does by statutes of limitation."(61)

"There can be no doubt that long-continued possession of territory gives a good title to it when no other ground can be clearly shown, and even in cases where possession was originally acquired by illegal and wrongful acts."(62)

⁷² For the text of the proclamation, see "Pour le texte de la proclamation, voir "Norwegian Sovereignty in the Antarctic," *American Journal of International Law*, vol. 34, no. 2 (April 1940), supplement, pp. 83-85.

The wording of the proclamation did not imply opposition to the sector principle. Indeed, Norway defined its own claim by the boundaries of the Falklands Islands Dependencies on the west and the Australian Antarctic Territory on the east. This part of Antarctica was referred to in the proclamation as the Atlantic Sector.

Le libellé de la proclamation n'impliquait pas une opposition à la théorie des secteurs. En fait, la Norvège définissait sa propre revendication en fonction des limites territoriales des dépendances des Îles Falkland à l'ouest et le territoire antarctique australien à l'est. Cette partie de l'Antarctique fut indiquée dans la proclamation comme le Secteur Atlantique.

The majority view, shared by Oppenheim, is that "undisturbed continuous possession can under certain conditions produce a title for the possessor, if the possession has lasted for some length of time. This opinion, would indeed seem to be correct, because it recognizes theoretically what actually goes on in practice." (63)

Prescription is recognized by the law of nations, both where the state is in a bona fide possession and where it is not. The basis of prescription in International Law is the general recognition of an established fact on the part of the members of the family of nations.

Oppenheim defines prescription as "the acquisition of sovereignty over a territory through continuous and undisturbed exercise of sovereignty over it during such period as is necessary to create, under the influence of historical developments, the general conviction that the present condition of things is in conformity with International order." The rational basis for prescription in International Law is the same as in municipal law namely, the creation of stability of order. (64)

There exist no general rules on the length of time and other circumstances necessary to create a title by prescription. And Oppenheim (p. 527) adds that as long as other Powers keep up protests and claims, the actual exercise of sovereignty is not undisturbed, nor is there the required general conviction that the present condition of things is in conformity with international order. But after such protests and claims, if any, cease to be repeated, the actual possession ceases to be disturbed, and sovereignty may become clearly established.

The question of at what time and in what circumstances a title arises by prescription is essentially one of fact. Historical and political circumstances and influences are always at work to create the general conviction that the condition is in conformity with international order. Since they differ from one case to the other, the lapse of time necessary for prescription will likewise differ.

Applying these principles to the Canadian problem, it would seem that Canada has fulfilled all the requirements imposed by International Law and practice. Indeed, Canada has for many years exercised sovereignty over the Arctic Archipelago, as far as the discovered islands are concerned, in a continuous and undisturbed manner. (See Chapter 3 supra). On the other hand, no foreign states have opposed the Canadian claim for years; the last dispute, in 1930, related to the Sverdrup Islands and has been settled satisfactorily, Norway relinquishing its claim in the course of an Exchange of Notes. (65) Apart from the Sverdrup case, the last dispute or disagreement concerning our sovereignty in the Arctic occurred in 1920. (66) In that year, Canada protested to Denmark against the killing of musk-ox on Ellesmere Island by Greenland natives. The Danish Government replied that it considered this island as a No-man's land but did not repeat this claim after Great Britain recognized Danish sovereignty over Greenland in September, 1920. In 1921, the Canadian Government informed the Government of Denmark that, should the Rasmussen expedition discover islands and lands in the sector between Canada and the North Pole, these would be regarded as under Canadian sovereignty. (67)

In view of these circumstances and of the absence for many years of official claims opposing Canada's claim, it seems probable that, should a conflict concerning the Canadian Arctic arise it would be decided that Canada has fulfilled the requirements imposed by International Law concerning the undisturbed length of time necessary for prescription.

The last element required for prescription by Canada would be "the general conviction that the present condition is in conformity with international order." This conviction should be easy to establish since it stems from what has just been said as regards the absence of foreign claims, and what follows in Chapter 6.

Conclusion:

It seems unnecessary to rest Canada's title on this principle of vague application[.] since it is not required to validate claims in their inception invalid, and since that title can be based more surely on positive Occupation (Chapter 3) and tacit Recognition (Chapter 6 infra). Moreover the applicability of this principle to the Canadian Arctic may lead to the grave objection that prescription "is applicable only when a right of sovereignty is already in existence (for) prescription is not a mode by which rights of property and control come into being, and therefore no instance of it is forthcoming when dominion is asserted over an area to be regarded at the time as res nullius."(68)

CHAPTER 6. RECOGNITION OF CANADA'S TITLE

A title defective under the preceding rules may be validated by express recognition of other nations[.] which amount[s] to a waiver of claims conflicting with the right so recognized.(69) No such express recognition has been accorded the Canadian title as a whole; for it was not acquired by violation of international law and the few disputes relating to Canadian sovereignty have been amicably settled.

Nevertheless there have been various acts by the nations immediately concerned which amount to a tacit recognition of Canada's long-asserted title to the whole of the Canadian Arctic region. These instances (unnecessary though they be) may be regarded (1) as establishing the general conviction that her claim is in conformity with law within the meaning of the doctrine of Prescription; and (2) as confirming the title claimed on the basis of Effective Occupation.

The extent of the Canadian claim based on recognition may be considered under two heads: (A) General and (B) by states especially interested in the Arctic.

A – General

1. The absence of any official claims for several years:

As already mentioned, there does not exist at the present time, any claim on the part of foreign states to Canadian-held Arctic territories, and the last disputes were settled a long time ago.

This is to be considered in light of the fact that Canada's title was asserted in 1869 and the limits of the Arctic Archipelago were definitely stated in an Order in Council in 1897 defining the provisional district of Franklin; and in successive enactments of what is now the Northwest Territories Act(70); and that since 1926 Canada has imposed a licensing system upon visitors to its Arctic regions and that nationals of many nations have submitted thereto without official protest on their behalf.

2. Universal Recognition through Maps:

Maps published in all countries over the world for many years have indicated as Canadian territory the various islands of the Canadian Arctic Archipelago. There does not exist, at the present time, any exception to this general action, according to the information available here.

Should some foreign power in which maps are published have objections to the indication of the Arctic regions as Canadian, no doubt the Governments of these powers would impede the publication of these maps; this has never taken place to our knowledge. Cartography supports the Canadian position.(71)

3. General opinion, newspaper articles, etc:

All over the world, in school manuals, newspaper articles, press communiques, at international conferences and meetings, every time there is need to refer to the Canadian Arctic Archipelago, it is done without implying any doubt as to the Canadian sovereignty

notwithstanding the growing interest in the Arctic regions in view of their strategic importance.

B – States especially interested in the Arctic:

Foreign states, that are primarily interested in the Arctic, have recognized our position as follows:

1. Denmark:

The Danish Government remained silent following the Canadian protest in 1920 against the killing of Musk-ox by Greenland natives.⁷³

In 1921, it did not object to the notification by Canada that lands to be discovered by the Rasmussen Expedition were to be considered Canadian.

In 1925, Denmark recognized, tacitly, Canadian jurisdiction over Ellesmere Island by permitting to land in Greenland supplies for the Canadian police posts at Ellesmere Island. For several years, Denmark has always granted permission to Canadian expeditions, navigators, and explorers who wished to land in Greenland ports while en route to the northern regions of Canada.

Finally, for the reasons already mentioned, future claims by Denmark to Canadian territory are most unlikely.

2. Norway:

The only possible ground of dispute with Norway as to Canadian sovereignty in the whole Canadian Arctic region was removed by the Norwegian Government's express recognition in 1930 of the Canadian title to the Sverdrup Islands. There has not been since any indication of a possible controversy with Norway. The possibility of such a new controversy is, at the present time, as remote as it can be, in view, among other motives, of the present position of Norway in the Arctic in relation to Russia, especially as regards Spitzbergen.

3. Russia:

Russia is the only country that has officially recognized the Sector Principle. Indeed it has made it part of its domestic law by a decree in 1926. Russia based its decree more particularly on the theory of geographical contiguity.

In view of Russia's attitude with regard to its own Arctic Sector it could not and cannot, with any show of logic, oppose the application of the Sector Principle elsewhere in the Arctic regions.

Actually, Russia has never shown any such opposition. On the contrary, Soviet writers such as Lakhtine and Sabanine have proposed in official Russian publications, that definite juridical rights in the Arctic regions be established on the basis of the Sector Principle.⁽⁷²⁾

Finally, when, in 1945 [1935], a Russian flying expedition wished to fly across Canada via the north pole to California, and later, prior to the loss of other Russian flyers, while en route also to California, the Russian Government applied in the two cases to the Canadian Government for permission, which should be considered as formal recognition of our rights in this region.⁷⁴

⁷³ For the Canadian protest, see doc. 219. Denmark did not remain silent; for the Danish replies, see docs 242, 251./ En ce qui concerne la protestation émise par le Canada, voir doc. 219. Le Danemark ne demeura pas silencieux; pour les réponses danoises, voir docs 242, 251.

⁷⁴ See/ Voir docs 536-540.

4. The U.S.A.:

The U.S. Government has, at least tacitly, recognized Canadian Sovereignty over the Canadian Arctic, on several occasions and in various manners, of which these are some examples:

(a) There is not now and there has never been any official claim to Canadian territory in the Arctic on the part of the U.S. Government.

(b) Between 1940 and 1945, four Arctic manuals⁷⁵ were published by or with the consent of the U.S. War Department(73); and in each of them the Islands north of the mainland of Canada are referred to as the Canadian Arctic Archipelago. One of the manuals⁷⁶ even contains the following statement: "In the American and Canadian Sectors of the Arctic Ocean, tidal ranges are generally slight." (74)

(c) Additional arguments supporting Canada's claim may be extracted from files of the Permanent Joint Board of Defence, e.g., the U.S. request⁷⁷ for the Canadian Government's permission to install weather and emergency stations on Baffin Island.(75) The various agreements concluded with the U.S.A. through the P.J.B.D. also refer to the Canadian Arctic Islands as Canadian territory. No reservations have been made by the U.S. Government on this subject. On the contrary, the Canadian Government always takes care to safeguard Canadian sovereignty over the referred regions.

(d) In a U.S. Navy confidential document entitled "Annex I to Commander Task Force 80 - Operation Plan No. I-48 Intelligence Plan," may be found the following statement: "Canada's claim of sovereignty over the lands in this archipelago is based on the sector principle. This Canadian sovereignty has been recognized as far as lands already discovered are concerned." (76)

(e) The Department of State Bulletin of October 10, 1948, published a communique released jointly with Canada to the press of both countries, which contained several references to the Canadian Arctic Regions, more particularly to the northernmost areas. In each instance, the references were made in such terms as "Canadian Arctic Waters" ... "this area in the extreme north of Canada."⁷⁸

CONCLUSION

The ultimate conclusion of this study is that Canada's title to the Canadian Arctic regions as a whole may safely be asserted on the basis of Effective Occupation (and the support which it derives from Discovery, aided by symbolic acts of possession, in general, and as to any particular area therein allegedly not reduced into effective possession); and

⁷⁵ These were a two-volume manual by Vilhjalmur Stefansson (1940): a condensed version for field use (1942); a revised version of the field manual (1944); and a public edition of the 1940 manual, published by the Macmillan Company of New York in 1944. The 1944 revision was carried out by Major Richard Flint of the Arctic, Desert and Tropic Information Center, United States Army.

Il y avait un manuel en deux volumes de Vilhjalmur Stefansson (1940), une version condensée pour usage en campagne (1942), une version révisée du manuel de campagne (1944) et une édition publique du manuel de 1940 publié par la Macmillan Company de New York en 1944. La révision de 1944 fut effectuée par le major Richard Flint du centre d'information sur l'Arctique, le désert et les Tropiques, de l'armée des États-Unis.

See Voir Gibson to Keenleyside, 13 May 1944, and et Gibson to J.E. Read, 30 January 1945, LAC BAC, RG 25, vol. 6297, file/ dossier 9057-40.

⁷⁶ This passage is on p. 16 of Major Flint's 1944 manual. Ce passage se trouve à la p. 16 du manuel de 1944 du major Flint.

⁷⁷ See/ Voir docs 549-553.

⁷⁸ "Vessels Sailing into Arctic in Support of Canadian-U.S. Joint Weather Station Programme," *Department of State Bulletin*, vol. 19, no. 484 (10 October 1948), p. 471.

upon the Tacit Recognition by the nations concerned and their acquiescence in Canada's long continued and oft-repeated claim of title; and (to the extent that it may be valid in relation to the Arctic) upon the so-called Sector Principle; and may be asserted, with less confidence, upon the doctrine of Prescription.

In sum, however, it appears that considerations of policy should lead to the maintenance of Canada's title upon the ground of Effective Occupation alone as the chief and most satisfactory ground of reliance, to which the other doctrines discussed are merely supplementary.

NOTES

- (1) See F.R., Appendix 4, No. 5.
- (2) For an account of the geographical features of the Canadian Arctic region and its subdivisions see F.R., Chapter 2, Section 4.
- (3) See particularly F.R., Appendix 5, for Documents of Possession deposited by these expeditions.
- (4) Generally see F.R., Chapter 5.
- (5) Westlake, *International Law*, 2nd ed., p. 114 [John Westlake, *International Law*, 2nd edn (Cambridge: Cambridge University Press, 1910)]; The Island of Palmas Arbitration (1928) 22 A.J.I.L., p. 867 ["Arbitral Award ... The Island of Palmas (or Miangas)," *American Journal of International Law*, vol. 22, no. 4 (October 1928), pp. 867-912]; cf Hyde, *Int. Law*, 2nd ed., p. 320 [Charles Cheney Hyde, *International Law Chiefly as Interpreted and Applied by the United States*, 2nd edn (Boston: Little, Brown, 1947)].
- (6) Hall, p. 126 [William Edward Hall, *A Treatise on International Law*, 8th edn, ed. A. Pearce Higgins (Oxford: Clarendon, 1924)]; see Hyde, op. cit., p. 321 et seq. as to symbolic acts.
- (7) Oppenheim, *International Law*, 7th ed., p. 510 [L. Oppenheim, *International Law: A Treatise*, 7th edn, ed. H. Lauterpacht (London: Longmans, Green, 1948)]; for a summary of the concepts of discovery and occupation in different periods see Heydte (1935) A.J.I.L. 448 [Friedrich August von der Heydte, "Discovery, Symbolic Annexation and Virtual Effectiveness in International Law," *American Journal of International Law*, vol. 29, no. 3 (July 1935), pp. 448-471]; cf Hill, Claims to Territory in International Law, 1945, Chapter 10 [Norman Hill, *Claims to Territory in International Law and Relations* (New York: Oxford University Press, 1945)].
- (8) Oppenheim, op. cit., pp. 510-11; J.B. Moore, *Digest of International Law*, Vol. I, p. 258-261 [James Bassett Moore, *A Digest of International Law*, vol. 1 (Washington, DC: Government Printing Office, 1906)]; Hall, op. cit., pp. 126-7; G.B. Scott, Arctic Exploration and International Law, *Am. Journal of International Law*, Vol. III, 1909, p. 105 [James Brown Scott, "Arctic Exploration and International Law," *American Journal of International Law*, vol. 3, no. 4 (October 1909), pp. 928-941], as quoted in Smedal, p. 48 [Gustav Smedal, *Acquisition of Sovereignty over Polar Areas* (Oslo: Jacob Dybwad, 1931)].
- (9) Thus Norway, when communicating with the United States Government in 1924, said that the discovery by Amundsen and the taking of possession by him of territory in the name of the King of Norway, only meant that Norway had a right to priority in acquiring, subsequently, the sovereignty by settlement or other procedure sanctioned by International Law. Norway repeated the same statement later in 1929. [The Norwegian notes are printed in/ Les notes diplomatiques norvégiennes sont imprimées dans Green Haywood Hackworth, *Digest of International Law*, vol. I (Washington, DC: Government Printing Office, 1940), pp. 400, 453-454.] Secret statement, in 1946, by Foreign Office Legal Adviser on the necessity of physical occupation as a means of securing sovereignty in the

polar regions, on External file 9057-40C, Part IV [Statement by W.E. Beckett at meeting of Polar Committee, 31 October 1946, LAC/ BAC, RG 25, vol. 6297]; and see further Oppenheim, *op. cit.*, p. 511 note.

(10) Smedal, *op. cit.*, p. 49 ff.

(11) Foreign Office Statement of 1946, p. 5; Hackworth, *op. cit.*, Vol. I, p. 396; as quoted in Foreign Office Statement in 1946.

(12) Island of Palmas Arbitration, *infra*.

(13) See F.R., Appendix 5 [Addendum, No. 10].

(14) See *infra*.

(15) Oppenheim, *op. cit.*, Vol. I, p. 509; Hall, *op. cit.*, p. 125; I Hackworth, *op. cit.*, Sec. 59; Hill, *op. cit.*, Chapter 10; Hyde, *op. cit.*, pp. 300 et seq.

(16) For reference see Smedal, *op. cit.*, *passim*; for the historical developments see von der Heydte, *op. cit.*, p. 448; Hyde, *op. cit.*, Sec. 99.

(17) See (1928) 22 A.J.I.L. 867 for Text.

(18) P.C.I.J. Series A/B No. 53 [Cour permanente de Justice internationale, série A/B, Arrêts, ordonnances et avis consultatifs, fascicule n° 53, *Statut juridique du Groënland oriental*, arrêt du 5 avril 1933; Permanent Court of International Justice, series A/B, Judgments, Orders and Advisory Opinions, fascicule no. 53, *Legal Status of Eastern Greenland*, judgment of April 5th, 1933].

(19) For further comment on this case see Hyde, *op. cit.*, Sec. 101A.

(20) As to the effect of such symbolic acts see Hill, *op. cit.*, p. 149; Hyde, *op. cit.*, Sec. 99.

(21) Statement of Legal Adviser to United Kingdom Foreign Office 1946 and authorities quoted; Lindley, Acquisition and Government of Backward Territory, 1926, p. 6 ff [Mark Lindley, *The Acquisition and Government of Backward Territory in International Law* (London: Longmans, Green, 1926)]; Von der Heydte, *op. cit.*; Hyde, *op. cit.*, Sec. 104A, "Acquisition of Sovereignty over Polar Regions."

(22) See F.R., Chapter 6, Appendix 5 [Addendum, No. 10].

(23) Oppenheim, *op. cit.*, p. 511; Hall, *op. cit.*, pp. 139-40 agrees. See also the Palmas Case to the same effect; Smedal, *op. cit.*, pp. 40, 41, 42 for a contrary view.

(24) E.g. see External File 9057-40 C., Part IV, under date of March 4, 1948, for excerpts from public documents as to Canada's intention in certain cases ["Documents concerning Canadian Sovereignty in the Arctic," LAC/ BAC, RG 25, vol. 6297].

(25) See the Palmas and Eastern Greenland cases, *supra*. As Hyde says (*op. cit.*, p. 331) "it is the fact of control rather than the method which is the chief concern".

(26) See generally 1946 statement by Foreign Office Legal Adviser; Smedal, *op. cit.*, p. 33; cf Hyde, *op. cit.*, pp. 347, 354.

(27) Eastern Greenland Case, *supra*; and see Hyde's remark (*op. cit.*, p. 347) that "the acquisition of rights of sovereignty over polar areas is complicated by ... the existing inability of a claimant State, by reason of climatic conditions, to attain such a kind and degree of control over a polar region as is acknowledged to be essential for the perfecting of a right of sovereignty over an area in nonpolar regions."

(28) Foreign Office Memorandum, 1946, p. 8.

(29) The Law of Nations, 2nd ed., p. 122 [J.L. Brierly, *The Law of Nations: An Introduction to the International Law of Peace*, 2nd edn (Oxford: Clarendon, 1936)].

(30) For references to some of the "other facts," e.g. scientific expeditions, wireless stations, etc., which tend to prove occupation see I Hackworth, *op. cit.*, pp. 405-6; and see the facts mentioned in the last excerpt from the Eastern Greenland award quoted *supra*; and generally see Von der Heydte's article cited *supra*.

(31) Cf Hyde, *op. cit.*, Sec. 101A and at p. 340.

- (32) "Effective occupation as generally required does not imply its extension to every nook and corner", Von der Heydte, op. cit.
- (33) Op. cit., p. 35.
- (34) R.S.C. 1927, c. 142.
- (35) See F.R., Chapter 5, Sec. 3.
- (36) See F.R., Chapter 16.
- (37) See F.R., Appendix 4, No. 3.
- (38) See *infra*.
- (39) See footnote 3 *supra* and F.R., pp. 61-72.
- (40) F.R., pp. 168-78.
- (41) *Palmas Case supra*.
- (42) Oppenheim, op. cit., p. 508 (n).
- (43) See Smedal, op. cit., pp. 54-76 for a discussion of this principle and the instances in which it has been asserted as a basis of title. See also 1 Hackworth, op. cit., pp. 461-5; also cf several Departmental memoranda on External file 9057-40C, such as the memorandum dated 4 March, 1948, page 2, and discussion in Hyde, op. cit., pp. 349 et seq; and McKitterick in (1939) 21 J.C.L. 89 [T.E.M. McKitterick, "The Validity of Territorial and Other Claims in Polar Regions," *Journal of Comparative Legislation and International Law*, 3rd series, vol. 21, no. 1 (1939), pp. 89-97].
- (44) Quoted in Departmental memorandum of 4th March, 1948, and in Foreign Office memorandum of 1930 on p. 2 [Laurence Collier, "Memorandum Respecting Territorial Claims in the Arctic to 1930," 10 February 1930; see/ voir doc. 393, footnote/ note en bas de page].
- (45) Departmental memorandum of 2 February, 1946, on External File 9057-40C, Part III [J.L. Robinson, "Summary of Bureau of N.W.T. Files on Sovereignty in the Canadian Arctic," LAC/ BAC, RG 25, vol. 6297]; but semble, this was a claim based on annexation not on the Sector Principle – see Appendix 5 [Addendum, No. 9].
- (46) *Idem*; and Foreign Office memo of 1930, p. 6; various dept's memoranda on External file 9057-40C (all parts).
- (47) Foreign Office memo of 1930, p. 3.
- (48) External Memo 1930, p. 3 [doc. 522]; 1 Hackworth, op. cit., p. 463.
- (49) Smedal, op. cit., pp. 66 and 67; Foreign Office memo of 1930, pp. 1, 2 and 5.
- (50) Foreign Office memo of 1930, pp. 1 and 5.
- (51) Foreign Office memo, 1930, p. 4; Smedal, op. cit., pp. 55, 58, 59, 60, 75 and 76.
- (52) Foreign Office memo of 1930, p. 2.
- (53) *Idem*, pp. 4 and 6.
- (54) An argument favouring the Russian Sector may be found in the United States-Russia Treaty of 1867, a clause of which delimited the boundary in the Behring Strait in such a way that it could have meant that the two States on this occasion divided Arctic regions between them. This doubtful division would only bind upon the parties themselves. As far as Norway is concerned, Smedal (p. 59) wrote in 1931 that despite the Decree it continues to consider that it has some rights over Franz Josef Land. [On Norway's position regarding Franz Josef Land, see docs 443, 444, enclosures. No effective action was ever taken by Norway to contest Russian ownership of Franz Josef Land./ Pour la position de la Norvège concernant la terre de François-Joseph, voir docs 443, 444, pièces jointes. Aucune mesure réelle ne fut prise par la Norvège pour contester la propriété russe de la terre de François-Joseph.]
- (55) As to the Sector Principle and the U.S.A., see Hyde, op. cit., p. 349 ff.
- (56) Cf External files re Antarctic problems; also A.P. communique dated 23rd November, 1948 (on External file 9057-40C, Part IV).

- (57) Foreign Office Memo (1930), pp. 5-6.
- (58) *Idem*, p. 6.
- (59) Exchange of Notes re the recognition by Norway of the sovereignty of Canada over Sverdrup Islands. C.T.S. 1930, No. 17. See I Hackworth, *op. cit.*, p. 465; (1933) 27 A.J.I.L. 93 ["Sovereignty over the Otto Sverdrup Islands." *American Journal of International Law*, vol. 27, no. 2 (April 1933), supplement, pp. 93-95].
- (60) See Order in Council of 1898 [1897; doc. 87] describing the District of Franklin (F.R., Appendix 4, No. 3).
- (61) Brierly, *op. cit.*, p. 126.
- (62) Lawrence, *International Law*, 1928 [1927], p. 160 [T.J. Lawrence, *The Principles of International Law*, 7th edn (London: Macmillan, 1927)].
- (63) Oppenheim, *op. cit.*, p. 526.
- (64) Hill, *op. cit.*, p. 156.
- (65) C.T.S. 1930, No. 17.
- (66) Cf External File 9057-40C.
- (67) Smedal, *op. cit.*, p. 65 [Smedal repeated incorrect information about Canadian correspondence with Denmark from/ Smedal répéta l'information incorrecte sur la correspondance canadienne avec le Danemark provenant de David Hunter Miller, "Political Rights in the Arctic," *Foreign Affairs*, vol. 4, no. 1 (October 1925), p. 50].
- (68) Hyde, *op. cit.*, p. 386.
- (69) Oppenheim, *op. cit.*, pp. 136-7.
- (70) R.S.C. 1927, c. 142, s. 2(k).
- (71) As to the extensive publication of official Canadian Maps see F.R., pp. 168-78.
- (72) "The Title to the Arctic Polar Territories," 1928, referred to several times in Smedal: "The Right to the Northern Polar Regions," 1928, published in Moscow by the People's Commissariat for Foreign Affairs, referred to in Foreign Office memo of 1930, p. 5; also consult "Rights over the Arctic," by W. Lakhtine, 24 A.J.I.L., p. 703-717 (several references are made to Soviet publications including those of Professor A.W. Sabanine. This article is of special importance, for being written necessarily with official approval it summarizes the Soviet point of view.) [W.L. Lakhtine, "Rights Over the Arctic," *American Journal of International Law*, vol. 24, no. 4 (October 1930), pp. 703-717. Lakhtine's arguments were not accepted by many other Soviet writers./ Les arguments de Lakhtine ne furent pas acceptés par de nombreux autres écrivains soviétiques. See/ Voir Leonid Timtchenko, "The Russian Arctic Sectoral Concept: Past and Present," *Arctic*, vol. 50, no. 1 (March 1997), pp. 29-35.]
- (73) External File 9057-40C, Part III.
- (74) External Memo, Feb. 2, 1946, p. 5.
- (75) *Idem*.
- (76) External File 9057-40C, Part IV. [LAC BAC, RG 25, vol. 6297. There is no indication of how the Department of External Affairs acquired this copy of a classified US document. A note signed with the initials P.D. (Pierre Dumas) cautioned that: Il n'y a aucune indication de la façon dont le ministère des Affaires extérieures acquit cette copie d'un document américain classifié. Une note au dossier signée des initiales P.D. (Pierre Dumas) avertit que :

No reference to the present document should be made directly or indirectly to the U.S. Government authorities since it has been secured without their knowledge.]

APPENDIX/ ANNEXE

Arctic Documents from the *DCER* series,
volumes 7 to 15 (1939-1949)
Documents sur l'Arctique tirés de la série *DRREC*,
volumes 7 à 15 (1939-1949)

Bilateral and multilateral defence
Défense bilatérale et multilatérale

Canada-US joint defence in the North**Défense commune du Canada et des États-Unis dans le Nord**

Vol. 8: docs 115, 117-120, 131, 160; **vol. 9:** docs 954, 956, 957, 959, 967-977, 980-984, 988-991, 1005, 1006, 1015-1019, 1022-1039, 1042, 1046-1049, 1052, 1054, 1061-1068, 1072, 1075, 1078, 1205, 1220, 1226, 1233, 1237, 1248, 1255, 1257, 1258, 1261, 1262, 1264, 1268; **vol. 11:** docs 1, 959, 962, 963, 965, 978, 980-993; **vol. 12:** docs 913, 914, 918, 923, 946, 955-958, 967-976, 979, 981, 982, 984, 986, 988, 989, 992, 993, 998; **vol. 13:** docs 601, 866-870, 879-881; **vol. 14:** docs 931, 932, 945, 958, 961, 964, 965, 967, 970-973, 987; **vol. 15:** docs 888, 905, 908, 914, 938-941

Defence of Alaska during the Second World War**Défense de l'Alaska pendant la Seconde Guerre mondiale**

Vol. 8: docs 82, 106, 117, 118, 120, 160, 1077; **vol. 9:** docs 954, 956, 957, 959, 967-977; **vol. 10:** docs 390, 425; **vol. 11:** doc. 993

The North Atlantic Treaty and the Arctic**Le traité de l'Atlantique Nord et l'Arctique**

Vol. 14: docs 322, 324, 328, 333, 378, 409, 462, 468, 475; **vol. 15:** docs 264, 280-283, 285, 287, 297, 299, 301, 303, 304, 308, 310, 311, 319

Multilateral security in the North, generally**Sécurité multilatérale dans le Nord, en général**

Vol. 11: doc. 363; **vol. 12:** doc. 769; **vol. 13:** doc. 370

United States presence and projects in the Canadian North**Présence et projets des États-Unis dans le Nord canadien****General****En général**

Vol. 9: docs 412, 1251, 1252, 1266, 1269; **vol. 13:** docs 242, 581, 868; **vol. 14:** docs 93, 987; **vol. 15:** doc. 992

Alaska Highway**Route de l'Alaska**

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À noter : Le nom de Territoire du Nord-Ouest a été utilisé dans l'introduction et les notes en bas de page pour désigner la région définie par la loi dite le Fur Trade Act de 1821 et de la loi dite le Indian Territories Act de 1859. Il ne faut pas confondre avec les Territoires du Nord-Ouest.

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